

# ***NORTH CAROLINA REGISTER***

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**VOLUME 13 • ISSUE 14 • Pages 1100 - 1215**

**January 15, 1999**

## **IN THIS ISSUE**

Municipal Incorporations  
Narrow Therapeutic Index Drugs  
Revenue - Tax Review Board  
Agriculture  
Chiropractic Examiners, Board of  
Cosmetic Art Examiners  
Crime Control & Public Safety  
Environment and Natural Resources  
Health and Human Services  
Justice  
Secretary of State  
Transportation  
Rules Review Commission  
Contested Case Decisions

## **PUBLISHED BY**

*The Office of Administrative Hearings  
Rules Division  
PO Drawer 27447  
Raleigh, NC 27611-7447  
Telephone (919) 733-2678  
Fax (919) 733-3462*

For those persons that have questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**

Office of Administrative Hearings  
Rules Division  
Capehart-Crocker House  
424 North Blount Street  
Raleigh, North Carolina 27601-2817  
(919) 733-2678  
(919) 733-3462 FAX  
contact: Molly Masich, Director APA Services mmasich@oah.state.nc.us  
Ruby Creech, Publications Coordinator rcreech@oah.state.nc.us

**Fiscal Notes & Economic Analysis**

Office of State Budget and Management  
116 West Jones Street  
Raleigh, North Carolina 27603-8005  
(919) 733-7061  
(919) 733-0640 FAX  
contact: Warren Plonk, Economist III wplonk@osbmi.state.nc.us

**Rule Review and Legal Issues**

Rules Review Commission  
1307 Glenwood Ave., Suite 159  
Raleigh, North Carolina 27605  
(919) 733-2721  
(919) 733-9415 FAX  
contact: Joe DeLuca Jr., Staff Director Counsel  
Bobby Bryan, Staff Attorney

**Legislative Process Concerning Rule-making**

Joint Legislative Administrative Procedure Oversight Committee  
545 Legislative Office Building  
300 North Salisbury Street  
Raleigh, North Carolina 27611  
(919) 733-2578  
(919) 715-5460 FAX  
contact: Mary Shuping, Staff Liaison marys@ms.ncga.state.nc.us

**County and Municipality Government Questions or Notification**

NC Association of County Commissioners  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-2893

contact: Jim Blackburn or Rebecca Troutman

NC League of Municipalities  
215 North Dawson Street  
Raleigh, North Carolina 27603  
(919) 715-4000

contact: Paula Thomas

# NORTH CAROLINA REGISTER



**Volume 13, Issue 14**  
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through December 23, 1998.

Office of Administrative Hearings  
Rules Division  
424 North Blount Street (27601)  
PO Drawer 27447  
Raleigh, NC 27611-7447  
(919) 733-2678  
FAX (919) 733-3462

Julian Mann III, Director  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruby Creech, Publications Coordinator  
Jean Shirley, Editorial Assistant  
Linda Dupree, Editorial Assistant  
Jessica Flowers, Editorial Assistant

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# NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM

*The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.*

## TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE	DEPARTMENT	LICENSING BOARDS	CHAPTER
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
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# NORTH CAROLINA REGISTER

## Publication Schedule

(June 1998 - March 1999)

FILING DEADLINES			NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT (either column A or column B)								TEMPORARY RULE
volume and issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact				B. substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next RRC meeting	first legislative day of the next regular session		
12:23	06/01/98	05/08/98	08/03/98	06/16/98	07/01/98	07/20/98	01/27/99	07/31/98	08/20/98	01/27/99		02/26/99
12:24	06/15/98	05/22/98	08/14/98	06/30/98	07/15/98	07/20/98	01/27/99	08/14/98	08/20/98	01/27/99		03/12/99
13:01	07/01/98	06/10/98	09/01/98	07/16/98	07/31/98	08/20/98	01/27/99	08/31/98	09/21/98	01/27/99		03/28/99
13:02	07/15/98	06/23/98	09/15/98	07/30/98	08/14/98	08/20/98	01/27/99	09/14/98	09/21/98	01/27/99		04/11/99
13:03	08/03/98	07/13/98	10/15/98	08/18/98	09/02/98	09/21/98	01/27/99	10/02/98	10/20/98	01/27/99		04/30/99
13:04	08/14/98	07/24/98	10/15/98	08/31/98	09/14/98	09/21/98	01/27/99	10/13/98	10/20/98	01/27/99		05/11/99
13:05	09/01/98	08/11/98	11/02/98	09/16/98	10/01/98	10/20/98	01/27/99	11/02/98	11/20/98	01/27/99		05/29/99
13:06	09/15/98	08/24/98	11/16/98	09/30/98	10/15/98	10/20/98	01/27/99	11/16/98	11/20/98	01/27/99		06/12/99
13:07	10/01/98	09/10/98	12/01/98	10/16/98	11/02/98	11/20/98	01/27/99	11/30/98	12/21/98	05/00		06/28/99
13:08	10/15/98	09/24/98	12/15/98	10/30/98	11/16/98	11/20/98	01/27/99	12/14/98	12/21/98	05/00		07/12/99
13:09	11/02/98	10/12/98	01/04/99	11/17/98	12/02/98	12/21/98	05/00	01/04/99	01/20/99	05/00		07/30/99
13:10	11/16/98	10/23/98	01/15/99	12/01/98	12/16/98	12/21/98	05/00	01/15/99	01/20/99	05/00		08/13/99
13:11	12/01/98	11/05/98	02/01/99	12/16/98	12/31/98	01/20/99	05/00	02/01/99	02/22/99	05/00		08/28/99
13:12	12/15/98	11/20/98	02/15/99	12/30/98	01/14/99	01/20/99	05/00	02/15/99	02/22/99	05/00		09/11/99
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13:16	02/15/99	01/25/99	05/03/99	03/02/99	03/17/99	03/22/99	05/00	04/16/99	04/20/99	05/00		11/12/99
13:17	03/01/99	02/08/99	05/03/99	03/16/99	03/31/99	04/20/99	05/00	04/30/99	05/20/99	05/00		11/26/99
13:18	03/15/99	02/22/99	05/14/99	03/30/99	04/14/99	04/20/99	05/00	05/14/99	05/20/99	05/00		12/10/99

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> <li>(1) temporary rules;</li> <li>(2) notices of rule-making proceedings;</li> <li>(3) text of proposed rules;</li> <li>(4) text of permanent rules approved by the Rules Review Commission;</li> <li>(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;</li> <li>(6) Executive Orders of the Governor;</li> <li>(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;</li> <li>(8) orders of the Tax Review Board issued under G.S. 105-241.2; and</li> <li>(9) other information the Codifier of Rules determines to be helpful to the public.</li> </ul>	<p><b>ISSUE DATE:</b> The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p><b>LAST DAY FOR FILING:</b> The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.</p>	<p><b>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:</b> This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p><b>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:</b> The date of the next issue following the end of the comment period.</p>	<p><b>EARLIEST DATE FOR PUBLIC HEARING:</b> The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p><b>END OF REQUIRED COMMENT PERIOD</b></p> <p>(1) <b>RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) <b>RULE WITH SUBSTANTIAL ECONOMIC IMPACT:</b> An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p> <p><b>DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:</b> The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.</p> <p><b>FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:</b> This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3. Effective date of rules.</p>
<p><b>COMPUTING TIME:</b> In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.</p>			

*This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.*

**NARROW THERAPEUTIC INDEX DRUGS DESIGNATED BY THE NORTH  
CAROLINA SECRETARY OF HEALTH AND HUMAN SERVICES**

Pursuant to N.C.G.S. §90-85.27(4a), this is the publication from the North Carolina Board of Pharmacy of narrow therapeutic index drugs designated by the North Carolina Secretary of Health and Human Services upon the advice of the State Health Director, North Carolina Board of Pharmacy, and North Carolina Medical Board:

Carbamazepine:	all oral dosage forms
Digoxin:	all oral dosage forms
Ethosuximide:	all oral dosage forms
Levothyroxine sodium tablets	
Lithium (including all salts):	all oral dosage forms
Phenytoin (including all salts):	all oral dosage forms
Procainamide Hydrochloride:	all oral dosage forms
Theophylline (including all salts):	all oral dosage forms
Warfarin sodium tablets	

**MUNICIPAL INCORPORATIONS**

The following notice is published in the Register in accordance with G.S. 120-165(a):

September 23, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting corporation of the Town of St. James in Brunswick County.

October 8, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting the corporation of the Town of Rimertown in Cabarrus County.

October 15, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting the corporation of the Town of Hampstead in Pender County.

October 26, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting the corporation of the Town of Holiday Island in Perquimans County.

October 27, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting the corporation of the Town of Bermuda Run in Davie County.

October 29, 1998, the Joint Legislative Commission on Municipal Incorporations received a petition requesting the corporation of the Town of Mineral Springs in Union County.

Copies of the petitions are available from Gerry Cohen, Commission Counsel, 401 Legislative Office Building, 300 North Salisbury Street, Raleigh NC 27603-5925, phone (919) 733-6660, FAX (919) 715-5459, e-mail [GERRYCO@MS.NCGA.STATE.NC.US](mailto:GERRYCO@MS.NCGA.STATE.NC.US)

The Proposed Assessments of a \$1,000 Penalty by  
the Motor Fuels Tax Division pursuant to G.S.  
105-449.117 for the use of dyed diesel fuel  
by the Secretary of Revenue

NUMBER: 348

James Elmon Upchurch, Jr.  
Taxpayer

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

## ISSUE

Whether the Taxpayer was properly assessed a \$1,000 penalty for having illegal dyed diesel in the fuel tank of his truck pursuant to G.S. §105-449.117.

The evidence presented at hearing before the Secretary of Revenue and included in the record presented to the Board is listed as follows:

1. Copy of penalty assessment.
2. Copy of the North Carolina Department of Transportation -- Division of Motor Vehicles -- Enforcement Section document regarding the vehicle stop, with notes on back referring to comments made by Taxpayer at the time of the stop.
3. Copy of the North Carolina Department of Agriculture Standards Division analysis document.
4. Copy of the U.S. Air Force Aerospace Fuels Laboratory analysis document dated November 29, 1996.

5. Copy of Taxpayer's letter dated December 16, 1996, to Mr. Beck, then Director of the Motor Fuels Division requesting a hearing.
6. Copy of Mr. Hannah's January 24, 1997 letter to Taxpayer scheduling the hearing.
7. Copy of Federal Register showing maximum sulfur content for highway diesel fuel pursuant to EPA Rule in compliance with the Clear Air Act.
8. Copy of letter from Secretary Offerman authorizing Mr. Hannah to hold the hearing.
9. Copy of an illustrated brochure titled Attention Truckers ... No Dyed Fuel on the Highway, this brochure is published by the Federal Highway Administration, the Internal Revenue Service, and the U.S. Environmental Protection Agency.
10. Copy of a North Carolina Department of Revenue N.C. Legislation Dyed Diesel Fuel.
11. Copy of a handout "ATTENTION TRUCKERS... No Dyed Fuel on the Highway."
12. Copy of a handout ATTENTION TRUCKERS...No Dyed Fuel on the Highway that designated who to contact and included North Carolina or Georgia telephone numbers.
13. Copies of the following documents: (1). The February 26, 1997 letter from Mr. Sutton to Mrs. Slusser. (2). The North Carolina Department of Agriculture Standards Division analytical record of sample taken. (3). A letter dated January 10, 1992, to Mr. Brad Trom. (4). A fax from Mr. Greg Allen of Christenson Oil to Mr. Trom dated February 20, 1997. (5). An Interoffice memorandum from Mr. Annis to Mrs. Slusser dated March 12, 1997.

Evidence presented by the Taxpayer:

Copy of a fuel receipt, designated Exhibit A.

Copy of Insurance Co. v. Gold, Commissioner of Insurance, 254 N.C. 168 (1961), designated Exhibit B.

Copy of pages regarding Obtaining Property by False Pretenses, designated Exhibit C.

Copy of G.S. §14-209 pertaining to perjury, designated Exhibit D.

Copy of Rule 43 of the North Carolina Rules of Civil Procedure, designated Exhibit E.

**FINDINGS OF FACT**

The Board considered the following findings of fact made by the Assistant Secretary in determining its decision:

1. On November 19, 1996, Investigator Steve Annis, of the Motor Fuels Tax Division of the North Carolina Department of Revenue, represented the Department in stopping diesel trucks as part of a "Red Alert" Operation. "Red Alert" refers to the random stopping of trucks to test for the use of illegal dyed, non-tax-paid diesel on the highway.
2. Officer R.J. Bowling of the North Carolina Department of Motor Vehicle (DMV) and Investigator Annis worked together as part of the "Red Alert" Operation. Officer Bowling not only was an officer with DMV, but he also represented the Internal Revenue Service (IRS) for violations of the IRS civil penalty involved in the illegal use of dyed diesel.
3. The Department and the IRS both impose civil penalties if red dye is found in diesel fuel used in highway vehicles driven on the highway.
4. The officers spotted Taxpayer driving a 1985 Ford truck on Main Street, Sparta, North Carolina, a North Carolina public highway.
5. Officer Bowling turned on the blue light of the DMV automobile while the Taxpayer was driving on Main Street, Sparta, North Carolina.

6. Investigator Annis introduced himself to Taxpayer and showed Taxpayer his business card.
7. The officers took a sample of the motor fuel from Taxpayer's truck and found it to be red, dyed diesel fuel. Prior to the officers taking the sample of dyed fuel, Taxpayer admitted that they would find dyed fuel. He said he added Oregon 2-cycle engine oil to the motor fuel in the amount of one to three ounces of the Oregon additive to ten to fifteen gallons of motor fuel.
8. Investigator Annis used a new plastic siphoning tube to take the sample because Taxpayer was concerned about the contamination of his sample from other samples previously taken.
9. Red dye is used by the authorities to dye diesel fuel for two reasons: (a). To mark fuel not suitable for highway use; (b). To identify fuel of which no road tax has been paid.
10. Investigator Annis then took the sample directly to the North Carolina Department of Agriculture lab for testing. Winston Sutton, Program Manager of the North Carolina Motor Fuel Inspection, supervises the North Carolina Department of Agriculture lab and oversaw the sample in the lab, including the testing. This completes the chain of custody regarding the fuel sample.
11. The subsequent lab results from the Department of Agriculture reflected an unacceptable level of 10 parts per million of red dye. The average amount of red dye in diesel dyed for non-highway use is approximately 11 to 12 parts per million ranges.
12. The instrument used by the Department of Agriculture to test dye and sulfur level in motor fuel is a portable unit and is checked daily for calibration.
13. The IRS sample of fuel from the Taxpayer's truck was sent to the Air Force Aerospace Fuels Laboratory (Air Force Lab) in Texas. That sample revealed 11.9 mgs./11 of red dye in the motor fuel. The Air Force Lab's instrument used to test dye in fuel is a more sensitive instrument than that used by this State and is considered even more accurate in picking up dye levels in motor fuel.
14. The Department of Agriculture's lab results of the sample of fuel taken from Taxpayer's truck also disclosed a high-sulfur content in Taxpayer's fuel of 0.1719 weight percentage.
- 15.. High-sulfur diesel is non-highway diesel and cannot be legally used on the highways pursuant to EPA Rules. The EPA considers 0.05 percent the maximum sulfur content standard by weight for highway diesel.
16. Taxpayer was assessed a \$1,000 penalty by Investigator Annis pursuant to G.S. 105-449.117 for the illegal use of dyed diesel in a vehicle registered to him as a result of the violation on November 19, 1996.
17. Taxpayer timely requested a hearing. Taxpayer was timely notified of the hearing dated. The Assistant Secretary heard Taxpayer's case on February 14, 1997, in the Department of Revenue Building, Raleigh, NC. The hearing record was held open to allow submission of additional evidence. Both parties submitted additional evidence. The Division submitted new evidence within the 30 days allowed after the hearing. Taxpayer was allowed to present additional information up to and including April 21, 1997. The record was held open until May 1, 1997.
18. At the hearing, Taxpayer said he bought tax paid fuel for his truck approximately three weeks prior to the stop where Investigator Annis took the sample.
19. Taxpayer contended the color of the fuel was a result of the Oregon 2-cycle engine oil additive. This additive is made for use in chain saws. Taxpayer asserted that he used the additive to prolong engine life and promote efficient fuel utilization.
20. The amount of Oregon 2-cycle engine oil additive Taxpayer contended he used would not produce the amounts of sulfur and dye found in Taxpayer's fuel sample.
21. After the hearing, Taxpayer submitted a receipt for 12.8 gallons of tax-paid diesel fuel obtained from Village Truck Stop, in Atkins, VA. The receipt does not indicate the name of the buyer of the fuel.
22. The date on Taxpayer's receipt appears to be October 23, 1996. However, the date is not clear and the numbers and dashes in the date appear to be written over or possibly altered. Except for the two bottles of engine oil Taxpayer presented at the hearing, the receipt is the only physical evidence tendered by Taxpayer. The receipt is not considered to be credible evidence.

**CONCLUSIONS OF LAW**

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. Taxpayer was driving on a North Carolina highway on November 19, 1996, when he was assessed a civil penalty for violating North Carolina law.
2. Pursuant to G.S. 105-449.121(b)(4) and (5), Investigator Annis had the right to stop Taxpayer and obtain a sample of fuel from his vehicle's fuel tank. Investigator Annis did in fact stop the Taxpayer and did take a fuel sample for examination and analysis.
3. Investigator Annis identified himself as an investigator with the North Carolina Department of Revenue's Motor Fuels Tax Division. At all times relevant to the stop, Investigator Annis conducted himself as a Department of Revenue investigator. The accusation by the Taxpayer that Mr. Annis misrepresented his authority in order to take a fuel sample and thereby obtain property by false pretense is without merit.
4. The accusation by the Taxpayer that Winston Sutton committed perjury is frivolous and without merit.
5. Taxpayer unlawfully used dyed non-tax-paid diesel fuel in his vehicle.
6. Pursuant to G.S. 105-449.117, Taxpayer was properly assessed the applicable \$1,000 civil penalty.
7. Taxpayer presented no evidence to suggest that the IRS may also impose a penalty against the Taxpayer for the illegal use of dyed diesel for a highway purpose. Any action the IRS may or may not have taken against Taxpayer does not constitute impermissible double jeopardy since double jeopardy does not attach to acts by different sovereigns. Moreover, an administrative agency does not have the authority or jurisdiction to resolve constitutional issues.
8. The Department did not violate Taxpayer's due process rights in this matter when it issued the proposed assessment, and when it scheduled and conducted the administrative hearing as provided under G.S. 105-241.1
9. Pursuant to G.S. 105-236(11), Taxpayer's hearing was properly set at the Department of Revenue Building in Raleigh, NC. All necessary parties received notice of Taxpayer's hearing and were allowed an opportunity to be heard. No evidence has been improperly introduced or admitted against the Taxpayer.

**DECISION**

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2(b2). After the Board conducts a hearing this statute provides in pertinent part:

(b2). "The Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary."

The Board having conducted a hearing in this matter and having considered the petition, the brief on behalf of the Secretary, the record and the final decision of the Assistant Secretary, concludes that the findings of fact made by the Assistant Secretary were supported by competent evidence in the record; that based upon the findings of fact, the Assistant Secretary's conclusions of law were fully supported by the findings of fact; therefore the decision of the Assistant Secretary should be confirmed.

**IT IS THEREFORE ORDERED**, that the Board **confirms** in every respect the Assistant Secretary's final decision that sustained the proposed assessment of the penalty under G.S. 105-449.117 against the Taxpayer in this matter.

Made and entered into this 16th day of November, 1998.

/S/ Harlan E. Boyles, Chairman  
State Treasurer

/S/ Jo Anne Sanford, Member  
Chair, Utilities Commission

/S/ Noel L. Allen, Appointed Member



STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE  
TAX REVIEW BOARD

**IN THE MATTER OF:**

The Proposed Assessments of County )  
Use Tax for the period of January 1, 1994 )  
through November 30, 1996 by the Secretary )  
of Revenue. )

vs. )

Jefferson-Pilot Life Insurance Co. )

**ADMINISTRATIVE DECISION**

**NUMBER: 349**

This matter was heard before the Tax Review Board in the city of Raleigh, on Tuesday, August 18, 1998, upon Taxpayer's petition for administrative review of the Final Decision of the Secretary of Revenue sustaining a proposed assessment of county use tax, plus interest for the period of January 1, 1994, through November 30, 1996. Taxpayer was presented at the hearing by C. B. McLean, attorney at law. The Secretary of Revenue was represented at the hearing by Kay Miller Hobart, Assistant Attorney General.

Chairman Harlan E. Boyles, State Treasurer presided over the hearing with Jo Anne Sanford, Chair, Utilities Commission and duly appointed member, Noel L. Allen, Attorney at Law participating.

Pursuant to G.S. 105-241.1, the Department mailed a Notice of Proposed Assessment to the Taxpayer on January 27, 1997, assessing additional tax, penalty and interest of \$11,665.78 for the period of January 1, 1994, through November 30, 1996. Taxpayer objected to the assessment and timely requested a hearing before the Secretary of Revenue. By final decision entered on October 20, 1997, the Assistant Secretary sustained the assessment of county use tax, plus interest on Taxpayer's purchases of tangible personal property for storage, use and consumption in this State. Because the failure to pay the tax was not the result of intentional action on the part of the Taxpayer, the Assistant Secretary waived the penalties. Pursuant to G.S. 105-241.2, Taxpayer timely filed notice and petition for administrative review of the Assistant Secretary's final decision with the Tax Review Board.

**ISSUE**

The issue presented to the Board is stated as follows:

Is Taxpayer liable for county use tax on its purchases of tangible personal property for storage, use and consumption in North Carolina or are such purchases exempt from local use tax pursuant to G.S. §105-228.10?

**EVIDENCE**

The evidence presented at hearing before the Secretary of Revenue and included in the record presented to the Board is listed as follows:

1. Memorandum dated April 18, 1996, from the Secretary of Revenue to Assistant Secretary of Revenue, designated as Exhibit E-1.
2. Fact sheet of audit report and supporting auditor comments, designated as Exhibit E-2.
3. Notice of Proposed Assessment, designated as Exhibit E-3.
4. Letter dated February 27, 1997, from the Taxpayer to the Department, designated as Exhibit E-4.
5. Letter dated March 24, 1997, from the Division to the Taxpayer, designated as Exhibit E-5.
6. Memorandum dated January 10, 1997, from the Office of the Attorney General, designated as Exhibit E-6.

7. Letter dated April 23, 1997, from the Taxpayer to the Division, designated as Exhibit E-7.
8. Letter dated May 7, 1997, from the Division to the Taxpayer, designated as Exhibit E-8.
9. Letter dated May 13, 1997, from the Assistant Secretary to the Taxpayer, designated as Exhibit E-9.
10. Brief for Tax Hearing submitted by the Division, designated as Exhibit E-10.
11. Taxpayer's 1994 Annual Gross Premium and Retaliatory Tax Return, as Exhibit T-1.
12. Taxpayer's 1995 Annual Gross Premium and Retaliatory Tax Return, Exhibit T-2.
13. Taxpayer's 1996 Annual Gross Premium and Retaliatory Tax Return, Exhibit T-3.
14. Letter dated July 22, 1997, from the Taxpayer's representative to the Assistant Secretary of Revenue, designated as Exhibit T-4.

**FINDINGS OF FACT**

The Board considered the following findings of fact made by the Assistant Secretary that were not disputed by the Taxpayer in its petition:

1. Taxpayer is engaged in business as an insurance company which was liable for and paid the gross premiums tax levied under Article 8B of the Revenue Laws for the years of 1994, 1995, and 1996.
2. Taxpayer purchased tangible personal property for storage, use or consumption from out-of-state sellers who did not collect the State and county use tax on the charges for the property. Taxpayer did not accrue and remit to the Department, the State and county use tax on such purchases.
3. Taxpayer has remitted to the Department the amount of additional State use tax and applicable interest determined to be due in the audit of Taxpayer's records.
4. Taxpayer has not remitted to the Department the amount of additional county use tax and interest determined to be due in the audit of Taxpayer's records.
5. Taxpayer remitted to in-state vendors the amount of State and county sales tax added to the sales price of tangible personal property sold by such sellers.
6. Notice of proposed assessment was mailed on January 27, 1997, to the Taxpayer.
7. Taxpayer objected to the assessment and made a timely request for hearing.

**ASSIGNMENTS OF ERROR**

In its petition, the Taxpayer asserts that the Assistant Secretary made the following errors in the final decision entered on October 20, 1997:

1. The Assistant Secretary erred by concluding as a matter of law that "Insurance companies are granted no specific exemption from sales or use tax under the Sales and Use Tax Law." (Conclusion of Law No. 2)
2. The Assistant Secretary erred by concluding as a matter of law that the purpose of the use tax is to impose the same burden on out-of-state purchases as the sales tax imposes on purchases within the State. (Conclusion of Law No. 4)
3. The Assistant Secretary erred by concluding as a matter of law that the local sales and use taxes are to be administered in the same manner as State sales and use taxes. (Conclusion of Law No. 5)
4. The Assistant Secretary erred by concluding as a matter of law that the Taxpayer is liable for County use tax on tangible personal property purchased out-of-state for storage, use, or consumption in the State. (Conclusion of Law No. 6)

5. The Assistant Secretary erred in his Final Decision by finding "that the Taxpayer is liable for the county use tax on its purchases of tangible personal property for storage, use or consumption in this State." (Final Decision at page 8).

**CONCLUSIONS OF LAW**

The Board considered the following conclusions of law made by the Assistant Secretary in the final decision:

1. Taxpayer purchased tangible personal property from in-state and out-of-state vendors for storage, use and consumption in the State.
2. In-state retailers are liable for collecting and remitting the State and county sales tax on their retail sales of tangible personal property to the State.
3. Notice of Proposed Assessment for the period of January 1, 1994, through November 30, 1996, was issued pursuant to G.S. §105-241.1.

**DECISION**

The tax at issue is the local use tax imposed by counties, under the authority of Articles 39, 40, and 42 of the North Carolina Revenue Laws. In 1945, the General Assembly enacted G.S. §105-228.10.

The section is stated below:

§105-228.10 No additional local taxes.

No county, city, or town shall be allowed to impose any addition tax, license, or fee, other than ad valorem taxes, upon any insurance company or association paying the fees and taxes levied in this Article.

On August 6, 1998, the General Assembly ratified Senate Bill 1226 and section 18 of the Bill amends G.S. §105-228.10 to read as follows: "No city or county may levy on a person subject to the tax levied in this Article a privilege tax or a tax computed on the basis of gross premiums." (See Exhibit B attached to the brief for Secretary filed with Board on August 10, 1998.)

The Explanation of Senate Bill 1226, Proposed House Committee Substitute, Revenue Laws Technical Changes, dated June 25, 1998, prepared by Martha H. Harris, Staff Attorney, to the House Finance Committee states in part: Section 18 "clarifies insurance company tax exemption language." "This section rewrites the statute to state that cities and counties are prohibited from levying a privilege license tax or a gross premiums tax on entities subject to gross premiums tax. The vague language of the statute is rewritten to clarify that insurance companies are not exempt from local sales taxes, local meals taxes, and other similar taxes that the General Assembly has authorized for local governments since this was enacted in 1945." (See Exhibit C attached to the Brief for the Secretary filed with the Board on August 10, 1998.)

The scope of administrative review for petitions filed with the Tax Review Board is governed by G.S. 105-241.2. The Board having conducted a hearing in this matter, and having considered the petition, the brief for the Secretary, the record, the final decision of the Assistant Secretary, and the supplemental documents offered at the hearing concludes that the Assistant Secretary did not properly conclude that "[i]nsurance companies are granted no specific exemption from sales and use tax under the Sales and Use Tax Law." When a statute is interpreted to have vague language, the ambiguity should be construed in favor of the Taxpayer and in light of the recent statutory change, the Board determines that this matter should be remanded to the Secretary for further consideration.

**IT IS THEREFORE ORDERED**, that the Board **remands** this matter to the Secretary for further consideration.

Made and entered into this 16th day of December, 1998.

/S/ Harlan E. Boyles, Chairman  
State Treasurer

/S/ Jo Anne Sanford, Member  
Chair, Utilities Commission

/S/ Noel L. Allen, Appointed Member

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

## TITLE 2 - DEPARTMENT OF AGRICULTURE

### CHAPTER 9 - FOOD AND DRUG PROTECTION DIVISION

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Board of Agriculture in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 2 NCAC 9K.0214. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 106-128; 106-253; 106-267

**Statement of the Subject Matter:** This rule establishes standards of identity for frozen yogurt. The proposed change would repeal portions of the rule which have been pre-empted by federal standards.

**Reason for Proposed Action:** Since the adoption of this rule, Congress has pre-empted state standards of identity for food products that differ from federal standards. The portions of this rule which establish standards of identity for lowfat and nonfat yogurt differ from federal standards and are thus pre-empted.

**Comment Procedures:** Written comments may be submitted to David S. McLeod, Secretary, Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

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### CHAPTER 43 - MARKETS

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Board of Agriculture in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 2 NCAC 43L.0309. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 106-530; 106-6.1

**Statement of the Subject Matter:** Establishes admission fees for the Mountain State Fair. Proposed changes would increase fees for adult admission and provide reduced admission fees for senior citizens.

**Reason for Proposed Action:** To provide additional revenue to meet increased operating expenses of Mountain State Fair.

**Comment Procedures:** Written comments may be submitted to David S. McLeod, Secretary, Board of Agriculture, PO Box 27647, Raleigh, NC 27611.

## TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

### CHAPTER 1 - DEPARTMENTAL RULES

**Notice of Rule-making Proceedings** is hereby given by the DHHS-Office of the Controller in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 10 NCAC 1B.0418-.0420. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-6.1

**Statement of the Subject Matter:** Prior to the revision to Office of Management and Budget (OMB) Circular A-133, there were two separate federal circulars, which governed audit for public authorities and for non-profit agencies. OMB Circular A-128 governed the requirements for public authorities and A-133 governed audits for non-profit agencies. OMB A-128 has been repealed. The revised A-133 now governs the audit requirements from an all-inclusive perspective; both public authorities and non-profits. The revised A-133 circular increased the threshold for an audit to \$300,000 that will reduce the number of audits required of non-profit agencies.

**Reason for Proposed Action:** Revisions are necessary due to recent changes to G.S. 143-6.1, Office of the State Auditor's Audit Advisory #2, and OMB Circular A-133.

**Comment Procedures:** Comments may be submitted in writing to Gary Fuquay, DHHH Controller's Office, 616 Oberlin Road, Raleigh, NC 27605.

TITLE 12 - DEPARTMENT OF JUSTICE

CHAPTER 7 - PRIVATE PROTECTIVE SERVICES

**Notice of Rule-making Proceedings** is hereby given by the NC Private Protective Services Board in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 12 NCAC 7D .0800. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 74C-5(2)

**Statement of the Subject Matter:** Armed Security Guard Training and Registration.

**Reason for Proposed Action:** 12 NCAC 7D .0800 sets forth training and registration requirements for armed security guards. The Board's Training and Education Committee is currently reviewing the existing training course and anticipates that changes will be made to the course that will require an amendment to the rules.

**Comment Procedures:** Written comments should be submitted to Administrator W.A. Hoggard, III, 3320 Old Garner Road, PO Box 29500, Raleigh, NC 27626.

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CHAPTER 9 - CRIMINAL JUSTICE  
EDUCATION AND TRAINING STANDARDS

**Notice of Rule-making Proceedings** is hereby given by the N.C. Criminal Justice and Education and Training Standards Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 12 NCAC 9B .0107, .0109-.0110, .0112-.0113, .0115, .0201-.0208, .0226-.0228, .0232-.0233, .0302-.0305, .0312, .0403-.0407, .0414-.0415; 9C .0211-.0213, .0403; 9E .0107. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 17C-6; 17C-10

**Statement of the Subject Matter:** Amendments to require as a minimum standard that the Department of Correction may no longer certify applicants who have committed or have been convicted of a felony. Amendments to adopt an updated Basic Law Enforcement Training Course including responsibilities

and standards for trainees, instructors, and accredited schools. Amendments to adopt an updated basic training course for Wildlife Enforcement Officers. Amendments to update instructor titles, courses, and minimum standards. Amendments to change requirements for training waiver.

**Reason for Proposed Action:** The North Carolina Criminal Justice Education and Training Standards Commission has authorized rule-making authority to amend adopt repeal numerous administrative rules in order to better define the minimum employment and training standards that regulate the criminal justice officer profession in the State. Commission changes to the Basic Law Enforcement Training Course necessitate the change in Rules.

**Comment Procedures:** Written comments should be directed to Scott Perry, Deputy Director, Criminal Justice Standards Division, Room G-25, Old Education Building, 114 West Edenton Street, PO Drawer 149, Raleigh, NC 27602.

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CHAPTER 12 - N.C. SHERIFFS' EDUCATION  
AND TRAINING STANDARDS COMMISSION

**Notice of Rule-making Proceedings** is hereby given by the NC Sheriffs' Education and Training Standards Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 12 NCAC 10B .0103, .0502, .0505-.0509, .0601, .0606-.0607, .0703, .0908, .1002, .1400. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 17-E

**Statement of the Subject Matter:**

- .0103** - Definitions - defines terms used throughout 12 NCAC 10B.
- .0502** - Basic Law Enforcement Training Course for Deputies - sets out blocks of instruction and hours for the state-mandated training course for deputy sheriffs in North Carolina.
- .0505** - Evaluation for Training Waiver - sets out qualification required for waivers of training to be granted for deputy sheriffs seeking certification in North Carolina.
- .0506** - Trainee Attendance - sets out attendance requirements for students enrolled in the Basic Law Enforcement Training Course.
- .0507** - Completion of the Basic Law Enforcement Training Course - sets out regulations concerning authorizations for limited enrollment, excused absences, and make-up work.
- .0508** - Comp Written Exam - Basic Law Enforcement Training Course - sets out regulations concerning the delivery and eligibility to sit for the state exam.

**.0509 - Satisfaction of Minimum Training Requirements** - sets out passing score for state exam; requires student to be proficient in skills taught in the course, and requires recommendation from the School Director that the student is so proficient as to be able to function as an inexperienced law enforcement officer.

**.0601 - Detention Officer Certification Course** - sets out blocks of instruction and hours for the state-mandated training course for detention officers in North Carolina.

**.0606 - Comp Written Exam - Detention Officer Certification Course** - sets out regulations concerning the delivery and eligibility to sit for the state exam.

**.0607 - Satisfaction of Minimum Training Requirements** - sets out passing score for state exam; requires student to be proficient in skills taught in the course, and requires recommendation from the School Director that the student is so proficient as to be able to function as an inexperienced law enforcement officer.

**.0703 - Administration of Detention Officer Certification Course** - sets out responsibilities of the institution offering this course.

**.0908 - Limited Lecturer Certification** - sets out qualifications to obtain certification to certain blocks of instruction in the Detention Officer Certification Course as a limited lecturer.

**.1002 - General Provisions** - sets out the general provisions for the Professional Certificate program for deputy sheriffs and sheriffs.

**.1400 - Reserved for Future Codification.**

**Reason for Proposed Action:**

**.0103 - Definitions:**

(1) - Technical change to name of Report of Appointment Form to be: "Form F-4".

(17) - Clarification of the definition of "Sworn Law Enforcement Position" as used within 12 NCAC 10B.

(18) - Addition of definition of "General Powers of Arrest".

**.0502 - Basic Law Enforcement Training Course for Deputies** - revises current course blocks and hours.

**.0505 - Evaluation for Training Waiver** - revises training waivers to allow a person who meets the qualifications as either a North Carolina applicant, out-of-state transferee, or federal transferee to choose between completing the entire Basic Law Enforcement Training Course or To submit to an initial assessment of his skills and knowledge and challenge the state-mandated exam.

**.0506 - Trainee Attendance** - deletion of this rule because 12 NCAC 10B .0502(e) adopts be reference the administration of the Basic Law Enforcement Training Course of the Criminal Justice Education and Training Standards Commission.

**.0507 - Completion of the Basic Law Enforcement Training Course** - deletion of this rule because 12 NCAC 10B .0502(e) adopts be reference the administration of the Basic Law Enforcement Training Course of the Criminal Justice Education and Training Standards Commission.

**.0508 - Comp Written Exam - Basic Law Enforcement Training Course** - deletion of this rule because 12 NCAC 10B .0502(e) adopts be reference the administration of the Basic Law Enforcement Training Course of the Criminal Justice Education

and Training Standards Commission.

**.0509 - Satisfaction of Minimum Training Requirements** - deletion of this rule because 12 NCAC 10B .0502(e) adopts be reference the administration of the Basic Law Enforcement Training Course of the Criminal Justice Education and Training Standards Commission.

**.0601 - Detention Officer Certification Course** - changes the hours of instruction to require 16 more hours; changes the name of two blocks of instruction, requires each student to pass a literacy examination in order to enroll in the course.

**.0606 - Comp Written Exam - Detention Officer Certification Course** - changes the state examination passing score to 80%.

**.0607 - Satisfaction of Minimum Training Requirements** - changes the state examination passing score to 80%.

**.0703 - Administration of Detention Officer Certification Course** - sets out that the institution offering this course must maintain a test security agreement for the literacy test and must ensure enrollees are administered this literacy test.

**.0908 - Limited Lecturer Certification** - changes two block names in accordance with the changes proposed to .0601 above.

**.1002 - General Provisions** - correction to rule cite regarding the definition of a sworn law enforcement provision.

**.1400 - Reserved for Future Codification** - adopts a new professional certification program to reward reserve officers for actual hours of service and completion of training beyond the state minimum mandate.

**Comment Procedures:** Please contact the agency contact person (Peggy Bilbrey, PO Drawer 629, Raleigh, NC 27602) with any questions or comments concerning this information.

**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**CHAPTER 2 - ENVIRONMENTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the DENR-Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 2B .0303-.0304, .0306, .0308. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 143-214.1; 143-215; 143-215.3(a)(1)

**Statement of the Subject Matter:**

**15A NCAC 2B .0303** - The Environmental Management Commission is proposing to reclassify Wesser Creek in Swain County (Little Tennessee River Basin) to include the Trout (Tr) supplemental classification. Wesser Creek is proposed for reclassification from its source to Connelly Creek from Class C

to Class C Tr. A portion of Wesser Creek near its confluence with Connelly Creek currently carries the Trout classification.

**15A NCAC 2B .0304** - The Environmental Management Commission is proposing to reclassify Rough Creek in Haywood County (French Broad River Basin) to include the Outstanding Resource Waters (ORW) supplemental classification. Rough Creek, from its source to the Canton Reservoir, including tributaries, is proposed for reclassification from Class WS-I to Class WS-I ORW Tr (Trout).

**15A NCAC 2B .0306** - The Environmental Management Commission is proposing to reclassify the Green River in Henderson County (Broad River Basin) for primary recreation (Class B) and to include the High Quality Waters (HQW) supplemental classification. The Green River and its tributaries are proposed for reclassification from their source to, and including, Rock Creek from Class C Tr to Class B Tr HQW. The Green River and its tributaries, from Rock Creek to Lake Summit, are proposed for reclassification from Class C Tr to Class B Tr.

**15A NCAC 2B .0308** - The Environmental Management Commission is proposing to reclassify Little Grassy Creek in Avery County (Catawba River Basin) to include the Outstanding Resource Waters (ORW) supplemental classification. Little Grassy Creek, from its source to the Linville River, including tributaries, is proposed for reclassification from Class C Tr to Class C Tr ORW.

#### Reason for Proposed Action:

**15A NCAC 2B .0303** - Studies conducted on Wesser Creek show that the stream supports a naturally reproducing rainbow trout population and thus meet the criteria for supplemental classification as Trout waters. If reclassified, wastewater dischargers to Wesser Creek will be required to comply with water quality standards for Trout waters as set forth in 15A NCAC 2B .0200. Some of the water quality standards applied to Trout waters, such as the dissolved oxygen standard, are more stringent than the water quality standards applied to Class C waters.

**15A NCAC 2B .0304** - The Town of Canton has requested that Rough Creek be reclassified to include the supplemental ORW classification. In order to be classified as ORW, a water body must be of exceptional state or national recreational or ecological significance and the waters must have exceptional water quality. In addition, the waters must also exhibit one or more of the following resource values or uses:

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc. which do not provide any water quality protection;
- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific

significance such as habitat for rare or endangered species or as areas for research and education.

Water quality analyses show that Rough Creek has excellent water quality. Several outstanding resource values were identified, including: a reproducing brook trout population; the watershed is a designated Natural Heritage Area; there are plans to establish an educational facility underway; and a rare wetland bog community which supports several rare plant species was identified in the headwaters area. Special protection measures that apply to North Carolina ORW's are set forth in 15A NCAC 2B .0225. At a minimum, no new wastewater dischargers or expansions to existing discharges are permitted, and stormwater controls for most new development are required.

**15A NCAC 2B .0306** - Requests for reclassification of the Green River were submitted by a local property owner's association, independent property owners and boy's camp. Water quality studies conducted on the Green River and its tributaries show that the streams meet the criteria for Classes B and HQW in the areas proposed for reclassification as defined above. If reclassified, wastewater dischargers to the Green River will be required to comply with reliability standards set forth in 15A NCAC 2H .0124. Reliability standards require facilities to insure continued treatment of wastewater during instances of power failure. New and expanding wastewater dischargers to the area affected by the proposed HQW reclassification in the Green River watershed will have additional treatment requirements. Projects which require a Sedimentation and Erosion Control Plan and which drain to and are within one mile of HQW streams will have more stringent land use development criteria as defined in 15A NCAC 2H .1006. The criteria for designation to High Quality Waters as defined in 15A NCAC 2B .0201 includes those waters which are rated as excellent based on biological and physical/chemical characteristics through Division monitoring or special studies, native and special native trout waters designated by the Wildlife Resources Commission, primary nursery areas designated by the Marine Fisheries Commission and other functional nursery areas designated by the Wildlife Resources Commission, critical habitat areas designated by the Wildlife Resources Commission or the Department of Agriculture, all water supply watersheds which are either classified as WS-I or WS-II has been received from the appropriate local government and accepted by the Division of Water Quality, and all Class SA waters. The B classification is assigned to waters that are used for primary recreational purposes. Primary Recreation is defined in Division rules as "swimming, skin diving, skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis." Under North Carolina rules, several criteria must be met before waters can be classified for primary recreation. These are: (1) the area must be of sufficient size and depth to support primary recreation; (2) fecal coliform concentrations must be less than 200 colonies per 100 milliliters based on a geometric mean derived from five samples taken with a 30 day period; (3) there must be no sources of water pollution which could result in a hazard to public health in close proximity to areas where



recreation occurs; and (4) primary recreation must take place in an organized or on a frequent basis.

**15A NCAC 2B .0308** - A request for classification of the headwaters of the Linville River to High Quality Waters (HQW) was submitted by a local golf club to the Division of Water Quality in 1997. The Linville River did not qualify for reclassification to HQW. However, during the water quality investigation it was determined that Little Grassy Creek, a tributary stream to the Linville River, qualified for supplemental classification as Outstanding Resource Waters. In order to be classified as ORW, a water body must be of exceptional water quality. In addition, the waters must also exhibit one or more of the following resource values or uses:

- (1) there are outstanding fish (or commercially important aquatic species) habitat and fisheries;
- (2) there is an unusually high level of water-based recreation or the potential for such recreation;
- (3) the waters have already received some special designation such as a North Carolina or National Wild and Scenic River, Native or Special Native Trout Waters, National Wildlife Refuge, etc. which do not provide any water quality protection;
- (4) the waters represent an important component of a state or national park or forest; or
- (5) the waters are of special ecological or scientific significance such as habitat for rare or endangered species or as areas for research and education.

Water quality analyses show that Little Grassy Creek has excellent water quality and supports a reproducing brook trout population, therefore qualifying this stream for ORW designation. Special protection measures that apply to North Carolina ORWs are set forth in 15A NCAC 2B .0225. At a minimum, no new wastewater discharges or expansions to existing discharges are permitted, and stormwater controls for most new development are required.

**Comment Procedures:** The purpose of this announcement is to encourage those interested in this proposal to provide written comments. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments, data, or other information relevant to this proposal may be submitted to: Liz Kovasckitz, DENR/Division of Water Quality, Planning Branch, PO Box 29535, Raleigh, NC 27626-0535. (919) 733-5083, extension 572.

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### CHAPTER 3 - MARINE FISHERIES

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Marine Fisheries Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 3. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 113-134; 113-182; 143B-289.52; S.L. 98-225; Section 6.10, S.L. 97-400

**Statement of the Subject Matter:** Required mesh size for ocean haul seines; adoption of a temporary rule on production requirements for shellfish leases; size and creel limits for fish; temporary rules required for implementation of the Fisheries Reform Act.

**Reason for Proposed Action:** Institution of a required mesh size for ocean haul seines would afford undersize weakfish protection; amendment to present rules on production requirements for shellfish leases would allow leaseholders to continue to substitute planting for production; implementation of size and creel limits for fish which will be authorized for take by Recreational Commercial Gear License holders will assure that overharvest of these species by this group does not occur; temporary rules to implement the new licensing system and other aspects of the Fisheries Reform Act are required.

**Comment Procedures:** Written comments may be submitted to the Marine Fisheries Commission, Attention: Juanita Gaskill, PO Box 769, Morehead City, NC 28557. The MFC will accept verbal comments at three public meetings to be held in January as follows: January 7, 1999 - Hatteras/Buxton Civic Center; January 14, 1999 - Dept of Environmental and Natural Resources Office, Wilmington, NC; January 19, 1999 - Duke University Marine Lab, Beaufort, NC.

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### CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 10C .0500. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 113-132; 113-134

**Statement of the Subject Matter:** Inland Fishing Regulations, Primary Nursery Areas.

**Reason for Proposed Action:** To set/amend the rules in inland fishing waters for primary nursery areas which are necessary to manage and conserve the resource. The Wildlife Resources Commission may adopt this rule as a temporary rule pursuant



to G.S. 150B-21.1(a)(1) following this abbreviated notice.

**Comment Procedures:** The record will be open for receipt of written comments from January 15, 1999 to March 16, 1999. Such written comments must be delivered or mailed to the North Carolina Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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## CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

**Notice of Rule-making Proceedings** is hereby given by the North Carolina Wildlife Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 10F .0300. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 75A-3; 75A-15

**Statement of the Subject Matter:** To adopt a rule for Hoke County and establish a no wake zone within the territorial waters of Hoke County.

**Reason for Proposed Action:** The Hoke County Board of Commissioners initiated the no-wake zone pursuant to G.S. 75A-15 to protect public safety in the area by restricting vessel speed. The Wildlife Resources Commission may adopt this rule as a temporary rule pursuant to G.S. 150B-21.1 (a1) following this abbreviated notice.

**Comment Procedures:** Written comments must be delivered or mailed to the N.C. Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

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## CHAPTER 16 - ADULT HEALTH

**Notice of Rule-making Proceedings** is hereby given by the Commission for Health Services in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:** 15A NCAC 16A .1103-.1104, .1106. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 130A-205

### **Statement of the Subject Matter:**

**15A NCAC 16A .1103** establishes limitations by the Program on amount paid per client per service.

**15A NCAC 16A .1104** restricts functional reconstructive surgery to those patients for whom the Program has also paid for another breast cancer treatment service and allows meals and overnight accommodations only for patients receiving covered services funded by the Program.

**15A NCAC 16A .1106** specifies survival rate restrictions to be at time of application.

**Reason for Proposed Action:** The North Carolina Cancer Control Program seeks to permanently revise its rules to incorporate a provision specifying a maximum amount (not to exceed one percent of the Program's annual budget) for any service that can be paid for any client; to limit functional reconstructive surgery to a patient for whom the Program has paid for an additional breast cancer treatment; to limit lodging and meals to situations and circumstances where a patient has also received services also funded by the Program; and to determine survival rate restrictions for the Program to be based upon the time of submission of the request, not at the initial stage of the disease. These changes are necessitated to allow the Program to ensure that Program Rules will more precisely define allowed services so the Program will be better able to provide services within allowed funding limits and for services which follow Program policies and guidelines.

For the last two state fiscal years, the Cancer Control Program has experienced budget shortfalls. These rule changes will allow the Program to be more assured that Program rules specify precisely conditions under which the Program will pay so as to ensure higher levels of fiscal assurance, while still meeting the highest levels of medical appropriateness. It is not anticipated that there should be any increased funding needed by these changes as they essentially change the Rules to make them more precisely reflect Program policies and restrict any interpretation of Rules that could make potential increased requests for funding. Given current medical technological and cancer care changes, the Program will be better assured of staying within budgetary limits. It is not anticipated that these rule changes will add additional costs to the Program; to the contrary, by more precisely defining circumstances for which the Program will pay, funding limitations should be observed more precisely.

**Comment Procedures:** Comments and other information may be submitted in writing to The Cancer Control Program, PO Box 29605, Raleigh, NC 27626-0605. Copies of the proposed rules and information packages may be obtained by contacting Phyllis Rochester at (919) 715-3369.

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

### CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS

**Notice of Rule-making Proceedings** is hereby given by the N.C. State Board of Cosmetic Art Examiners in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rules Affected by this Rule-Making:**  
21 NCAC 14A .0101, .0103; 14C .0202; 14F .0101; 14I .0104, .0109; 14J .0208, .0501; 14L .0101, .0105, .0303; 14N .0101-.0103, .0105, .0108, .0112-.0113. Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 88B-4

**Statement of the Subject Matter:** Rules for teaching cosmetology in an approved beauty school.

**Reason for Proposed Action:** To update the curriculum for all schools.

**Comment Procedures:** Written comments concerning this rule-making action must be submitted to Dee Williams, Rule-Making Coordinator, N.C. State Board of Cosmetic Art Examiners, 1201-110 Front Street, Raleigh, NC 27609.

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Wildlife Resources Commission intends to amend rule cited as 15A NCAC 10F .0317. Notice of Rule-making Proceedings was published in the Register on October 15, 1998.

**Proposed Effective Date:** July 1, 2000

**A Public Hearing** will be conducted at 10:00 a.m. on February 2, 1999 at the Archdale Building, Room 332, 512 N. Salisbury Street, Raleigh, NC 27603.

**Reason for Proposed Action:** The Stanly County Board of Commissioners initiated the no-wake zone modification pursuant to G.S. 75A-15.

**Comment Procedures:** Interested persons may present their views either orally or in writing at the hearing. In addition, the record of hearing will be open for receipt of written comments from January 15, 1999 to February 15, 1999. Such written comments must be delivered or mailed to the NC Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.

**CHAPTER 10 - WILDLIFE RESOURCES AND WATER  
SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND WATER  
SAFETY**

**SECTION .0300 - LOCAL WATER SAFETY  
REGULATIONS**

**.0317 STANLY COUNTY**

(a) Regulated Areas. This Rule applies to the following waters and portions of waters described as follows:

- (1) Narrows Reservoir (Badin Lake);
- (2) LakeTillery;
  - (A) Turner Beach Cove as delineated by appropriate markers.
  - (B) Mountain Creek Cove as delineated by appropriate markers.
- (3) ~~Harper Herne Lake - Harper Herne Lake Subdivision Cove as delineated by appropriate markers.~~

(b) Speed Limit Near Ramps. No person shall operate a vessel at greater than no-wake speed within 50 yards of any public boat launching ramp while on the waters of a regulated

area described in Paragraph (a) of this Rule.

(c) Restricted Swimming Areas. No person operating or responsible for the operation of a vessel shall permit it to enter any marked public swimming area established with the approval of the Executive Director, or his representative, on the waters of a regulated area described in Paragraph (a) of this Rule.

(d) Speed Limit. No person shall operate a vessel at greater than no-wake speed within any of the regulated area described in Paragraph (a) of this Rule.

(e) Placement and Maintenance of Markers. The Board of Commissioners of Stanly County is hereby designated a suitable agency for placement and maintenance of the markers implementing this Rule in accordance with the Uniform System.

*Authority G.S. 75A-3; 75A-15.*

**TITLE 19A - DEPARTMENT OF TRANSPORTATION**

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the Department of Transportation intends to amend rule cited as 19A NCAC 02D .0415. Notice of Rule-making Proceedings was published in the Register on October 15, 1998.

**Proposed Effective Date:** July 1, 2000

**Instructions on How to Demand a Public Hearing** (must be requested in writing within 15 days of notice): A demand for a public hearing must be made in writing and mailed to Emily Lee, N.C. DOT, PO Box 25201, Raleigh, NC 27611. The demand must be received within 15 days of this Notice.

**Reason for Proposed Action:** Amendments are proposed as a result of a request from the Carteret County Board of Commissioners. The drawbridge openings are reduced to alleviate traffic congestion during morning and afternoon rush hours. The U.S. Coast Guard approved the revised opening schedule for the Beaufort Chammel drawbridge effective August 10, 1998.

**Comment Procedures:** Any interested person may submit comments of hte proposed rule by mailing the comments to Emily Lee, N.C. DOT, PO Box 25201, Raleigh, NC 27611 by February 15, 1999.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

CHAPTER 2 - DIVISION OF HIGHWAYS

SUBCHAPTER 2D - HIGHWAY OPERATIONS

.0415 GENERAL REGULATIONS FOR  
DRAWBRIDGES

(a) This Rule governs operation of drawbridges in North Carolina. All other drawbridges not specifically noted in this Rule operate under normal Coast Guard regulations which give preference to water-borne traffic. For purposes of this Rule, the term on signal means the boat operator sounds his signal as defined by standard navigational practices.

(b) The draw on the bridge on US 17 over the Neuse River at New Bern shall open on signal except that the draw may remain closed from Monday through Friday from 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass. The draw may remain closed on Sundays and Federal holidays from May 24 through September 8 from 2:00 p.m. to 7:00 p.m. for pleasure vessels except that the draw shall open at 4:00 p.m. and 6:00 p.m. for any vessels waiting to pass. The draw on this bridge shall always open on signal for public vessels of the United States, State, or local vessels used for public safety, tugs with tows and vessels in distress.

(c) The draw on the bridge on US 70 Business over the Trent River at New Bern shall open on signal except that the draw may remain closed from Monday through Friday from 6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. for pleasure vessels. However, the draw shall open at 7:30 a.m. and 5:00 p.m. for any vessel waiting to pass. The draw may remain closed on Sundays and Federal holidays from May 24 through September 8 from 2:00 p.m. to 7:00 p.m. for pleasure vessels except that the draw shall open on the hour and half hour for any vessels waiting to pass. The draw on this bridge shall always open on signal for public vessels of the United States, State, or local vessels used for public safety, tugs with tows, and vessels in distress.

(d) The draw on the US 17B/Perquimans River Bridge at Hertford shall open on signal except that from midnight to 8:00 a.m. from April 1 through September 30, and from 10:00 p.m. through 10:00 a.m., from October 1 through March 31, the draw shall not open for the passage of vessels.

(e) The bridge on US 17 over the Pamlico River at Washington shall open only upon 24-hour advance notice.

(f) The bridge on SR 1565 over the Tar River at Grimesland shall open only upon 24-hour advance notice.

(g) The bridge on US 117-NC 133 over Smith's Creek just north of Wilmington shall open only upon 24-hour advance notice.

(h) The draw on the bridge on US 70 over Beaufort Channel in Beaufort shall open on signal except that from 6:00 a.m. to 10:00 p.m. the draw shall need only open for all vessels on signal every hour on the hour, 20 minutes past the hour, and 40 minutes past the hour. hour; except that on weekdays the bridge need not open at 7:40 a.m., 8:40 a.m., 4:40 p.m., and 5:40 p.m.

(i) The draw on the NC 50/Intracoastal Waterway Bridge at Surf City shall open on signal, except that from 7:00 a.m. to 7:00 p.m. the draw shall open for pleasure craft if signaled only on the hour.

(j) The draw on the bridge on US 74/76 over Intracoastal Waterway at Wrightsville Beach shall open on signal, except that from 7:00 a.m. to 7:00 p.m. the draw shall open for pleasure craft if signaled only on the hour.

(k) The draw on the bridge on SR 1172 over Intracoastal Waterway at Sunset Beach shall open on the hour on signal for pleasure craft between 7:00 a.m. to 7:00 p.m., April 1 through November 30, except that on Saturdays, Sundays, and Federal holidays, from June 1 through September 30 the draw shall open on the hour on signal for pleasure craft between 7:00 a.m. and 9:00 p.m.

(l) The draw of the bridge on US 158 over the Pasquotank River at Elizabeth City shall open on signal; except that between 7:00 a.m. and 9:00 a.m., and 4:00 p.m. and 6:00 p.m., Monday through Friday, the draw need open only at 7:30 a.m., 8:30 a.m., 4:30 p.m. and 5:30 p.m. for any pleasure vessels waiting to pass.

*Authority G.S. 136-18(5).*

TITLE 21 - OCCUPATIONAL LICENSING  
BOARDS

CHAPTER 10 - BOARD OF CHIROPRACTIC  
EXAMINERS

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Chiropractic Examiners intends to amend rule cited as 21 NCAC 10.0203. Notice of Rule-making Proceedings was published in the Register on June 1, 1998.

**Proposed Effective Date:** July 1, 2000

**A Public Hearing** will be conducted at 2:00 p.m. on February 4, 1999 at the Office of Board of Examiners, 174 Church St. North, Concord, NC 28025.

**Reason for Proposed Action:** To give effect to a statutory change that allows applicants for chiropractic licensure who pass a nationally-administered examination to be licensed without having to take the state examination.

**Comment Procedures:** Written comments may be submitted to the NC Board of Chiropractic Examiners, P.O. Box 312, Concord, NC 28026-0312. Comments will be accepted through February 15, 1999.

**Fiscal Note:** This Rule does not affect the expenditures or revenues of state or local government funds. This Rule does not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

SECTION .0200 - PRACTICE OF  
CHIROPRACTIC

.0203 EXAMINATIONS

(a) Eligibility. Only those applicants who meet the

requirements of G.S. 90-143, or in the case of reciprocity applicants, G.S. 90-143.1, and who have submitted a timely and complete written application pursuant to 21 NCAC 10 .0202 shall be allowed to take the examination.

(b) Date of Examination. The examination shall be given twice annually. The spring examination shall commence on the first Saturday after the first Tuesday in June. The fall examination shall commence on the first Saturday after the first Tuesday in November. Applicants eligible for examination will be notified of the exact date, time and location of the examination as soon as possible after their written applications have been approved by the Board.

(c) ~~National Boards. In order to take the North Carolina portion of the examination, an applicant must first have taken and passed each of the following examinations given by the National Board of Chiropractic Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). It shall be the applicant's responsibility to arrange for his test results from the National Board examinations to be reported to the North Carolina Board in advance of the date of the North Carolina portion of the examination.~~ National Boards. In order to take the North Carolina portion of the examination or otherwise demonstrate clinical proficiency, an applicant must first achieve a score of 375 or higher on each of the following examinations given by the National Board of Chiropractic Examiners: Part I, Part II, Part III (WCCE) and the elective examination (termed "Physiotherapy" by the National Board). An applicant must then demonstrate clinical proficiency, either by passing the North Carolina portion of the examination as described in Paragraphs (d) and (e) of this Rule or by achieving a score of 475 or higher on Part IV of the National Board examination.

(1) An applicant who otherwise meets all requirements for licensure and who submits proof of a Part IV score of 475 or higher shall be issued a license on the next examination date specified in Paragraph (b) of this Rule.

(2) It shall be the applicant's responsibility to arrange for his test results from any National Board examination to be reported to the North Carolina Board in a timely manner. Failure to comply with this provision shall be a basis for delaying the issuance of a license.

(d) Nature of Examination. The North Carolina portion of the examination is intended to test an applicant's proficiency in the practical aspects of chiropractic and to augment the information submitted in his written application. It is administered orally and may include questions on the following subjects: x-ray; general office practice; and chiropractic analysis, procedure, examination, diagnosis and treatment. No part of the North Carolina portion of the examination is open-book, and no reference material of any kind shall be allowed in the examination area.

(e) Passing Grade. To pass the examination, an applicant must answer correctly a minimum of 65 percent of the questions on each subject and must also answer correctly an average of 75 percent of all the questions on the examination. An applicant who fails because of a deficiency in only one subject may be re-examined in that subject the next time the examination is

given and shall not be required to pay another application fee. An applicant who fails the examination for any other reason must re-take the entire examination and pay another application fee.

(f) Review of Examination Results. An applicant who has been denied licensure because of failing examination grades may request a review of his answers provided his request is made in writing and received by the secretary not later than 20 days after issuance of the examination results. The review shall be limited to a re-tabulation of the applicant's test scores to make certain no clerical errors were made in grading. Applicants shall not discuss their examinations with Board members, graders or test administrators.

*Authority: G.S. 90-142; 90-143; 90-145; 90-148.*

*The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 2 - DEPARTMENT OF AGRICULTURE**

**Rule-making Agency:** North Carolina Department of Agriculture and Consumer Services

**Rule Citation:** 2 NCAC 54.0101 - .0105

**Effective Date:** December 15, 1998

**Findings Reviewed by Julian Mann:** Approved

**Authority for the rule-making:** S.L 1998-212, s. 13.5

**Reason for Proposed Action:** Session Law 1998-212, Section 13.5 created a grant program for purchase of animal waste management equipment by family-owned dairies. The legislation requires the Department of Agriculture and Consumer Services to adopt rules establishing guidelines for disbursing the funds. Abbreviated notice was provided by mail to all dairy farmers in the state, and comments were solicited from them prior to adoption of the temporary rules. Adherence to APA notice and hearing requirements would delay the availability of grant funds to dairy farmers.

**Comment Procedures:** Written comments may be submitted no later than February 15, 1999, to David S. McLeod, APA Coordinator, North Carolina Department of Agriculture, Legal Affairs Office, P.O. Box 27646, Raleigh, NC 27611.

**CHAPTER 54 - GRANT PROGRAMS**

**SECTION .0100 - WASTE MANAGEMENT EQUIPMENT GRANTS FOR DAIRIES**

**.0101 PURPOSE**

The purpose of this Chapter is to establish guidelines for disbursing grants to family-owned dairy farms for the purchase of animal waste management equipment, pursuant to Section 13.5 of Session Law 1998-212.

*History Note:* Authority S.L. 1998-212, s. 13.5; Temporary Adoption Eff. December 15, 1998.

**.0102 DEFINITIONS**

As used in this Chapter,

- (1) "Dairy cow" means a cow that is being used for milk production;
- (2) "Family-owned dairy farm" means a dairy farm that is owned or leased by one or more individuals who are actively involved in the operation of the farm, or a dairy farm owned by a business entity which is controlled by such individuals.

*History Note:* Authority S.L. 1998-212, s. 13.5; Temporary Adoption Eff. December 15, 1998.

**.0103 ELIGIBILITY**

Family-owned dairy farms which were in operation prior to January 1, 1998, and which have fewer than 300 dairy cows are eligible to apply for grants under this program.

*History Note:* Authority S. L. 1998-212, s. 13.5; Temporary Adoption Eff. December 15, 1998.

**.0104 USE OF GRANTS**

Grants shall be used for the purchase of equipment that is a component of an animal waste management system and that is used solely for transporting, storing, or distributing animal waste. This equipment shall be limited to: pumps, spraying equipment, scrape blades, box blades, storage equipment, and any transport equipment, including tanks, spreaders, and applicators. Grants shall not be used to enlarge or maintain anaerobic lagoons. Grants shall not be used to purchase equipment in connection with the Agricultural Cost-Share Program administered by the Soil and Water Conservation Commission pursuant to G.S. 143-215.74, or in connection with any other government program.

*History Note:* Authority S. L. 1998-212, s. 13.5; Temporary Adoption Eff. December 15, 1998.

**.0105 AVAILABILITY AND AMOUNT OF GRANTS**

Availability of grants is subject to appropriation of funds by the General Assembly. The amount of individual grants will be determined by the Commissioner of Agriculture based upon availability of funds, number of applications, and other factors necessary to ensure that funds are distributed in a fair and equitable manner.

*History Note:* Authority S. L. 1998-212, s. 13.5; Temporary Adoption Eff. December 15, 1998.

**TITLE 10 - DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Rule-making Agency:** Division of Facility Services

**Rule Citation:** 10 NCAC 3R.1613, .1615, .1713 - .1715, .1912 - .1914, .2113, .2713, .2715, .4203, .6201 - .6241

**Effective Date:** January 1, 1999

**Findings Reviewed and Approved by:** Beecher Gray

**Authority for the rule-making:** *G.S. 131E-176(25); 131E-177(1); 131E-183(b)*

**Reason for Proposed Action:** *Temporary rule-making is necessary because the annual planning process does not leave the Department the time necessary to use permanent rule-making. The annual planning process is outlined in Chapter 1 of the plan.*

**Comment Procedures:** *Questions or comments concerning the rules should be directed to: Jackie Sheppard, Rule-making Coordinator, Division of Facility Services, 701 Barbour Drive, Department of Health and Human Services, Raleigh, NC 27603.*

**Fiscal Note:** *Rules 10 NCAC 3R .6208 - .6212, .6220 - .6222, .6224, .6226, .6228 - .6229, .6233 - .6234 affect the expenditures, revenues or distribution of State and local government funds subject to the Executive Budget Act, Article 1 of Chapter 143. These Rules do have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

**Fiscal Note:** *Rules 10 NCAC 3R .1613, .1615, .1713 - .1715, .1912 - .1914, .2113, .2713, .2715, .4203, .6201 - .6207, .6213 - .6219, .6223, .6225, .6227, .6230 - .6232 do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.*

## CHAPTER 3 - FACILITY SERVICES

### SUBCHAPTER 3R - CERTIFICATE OF NEED REGULATIONS

#### SECTION .1600 - CRITERIA AND STANDARDS FOR CARDIAC CATHETERIZATION EQUIPMENT AND CARDIAC ANGIOPLASTY EQUIPMENT

##### .1613 DEFINITIONS

The following definitions shall apply to all rules in this Section:

- (1) "Approved" means the equipment was not in operation prior to the beginning of the review period and had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.
- (2) "Capacity" of an item of cardiac catheterization equipment or cardiac angioplasty equipment means ~~4270~~ 1370 diagnostic-equivalent procedures per year. One therapeutic cardiac catheterization procedure is valued at ~~4.67~~ 1.75 diagnostic-equivalent procedures. One cardiac catheterization procedure performed on a patient age 14 or under is valued at two diagnostic-equivalent procedures. All other procedures are valued at one diagnostic-equivalent procedure.
- (3) "Cardiac angioplasty equipment" shall have the same meaning as defined in G.S. 131E-176(2e).
- (4) "Cardiac catheterization equipment" shall have the same meaning as defined in G.S. 131E-176(2f).
- (5) "Cardiac catheterization procedure", for the purpose of determining utilization in a certificate of need review, means a single episode of diagnostic or therapeutic catheterization which occurs during one visit to a cardiac catheterization room, whereby a flexible tube is inserted into the patient's body and advanced into the heart chambers to perform a hemodynamic or angiographic examination or therapeutic intervention of the left or right heart chamber, or coronary arteries. A cardiac catheterization procedure does not include a simple right heart catheterization for monitoring purposes as might be done in an electrophysiology laboratory, pulmonary angiography procedure, cardiac pacing through a right electrode catheter, temporary pacemaker insertion, or procedures performed in dedicated angiography or electrophysiology rooms.
- (6) "Cardiac catheterization room" means a room or a mobile unit in which there is cardiac catheterization or cardiac angioplasty equipment for the performance of cardiac catheterization procedures. Dedicated angiography rooms and electrophysiology rooms are not cardiac catheterization rooms.
- (7) "Cardiac catheterization service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 90 road miles from the facility, if the facility has a comprehensive cardiac services program; and not farther than 45 road miles from the facility if the facility performs only diagnostic cardiac catheterization procedures; except that the cardiac catheterization service area of an academic medical center teaching hospital designated in 10 NCAC 3R shall not be limited to 90 road miles.
- (8) "Cardiac catheterization services" means the provision of diagnostic cardiac catheterization procedures or therapeutic cardiac catheterization procedures performed utilizing cardiac catheterization equipment or cardiac angioplasty equipment in a cardiac catheterization room.
- (9) "Comprehensive cardiac services program" means a cardiac services program which provides the full range of clinical services associated with the treatment of cardiovascular disease including community outreach, emergency treatment of cardiovascular illnesses, non-invasive diagnostic imaging modalities, diagnostic and therapeutic cardiac catheterization procedures, open heart surgery and cardiac rehabilitation services. Community outreach and cardiac rehabilitation services shall be provided by the applicant or through arrangements with other agencies and facilities located in the same city. All other components of a comprehensive cardiac services program shall be provided within a single facility.
- (10) "Diagnostic cardiac catheterization procedure", for the purpose of determining utilization in a certificate of



need review, means a cardiac catheterization procedure performed for the purpose of detecting and identifying defects or diseases in the coronary arteries or veins of the heart, or abnormalities in the heart structure, but not the pulmonary artery.

- (11) "Electrophysiology procedure" means a diagnostic or therapeutic procedure performed to study the electrical conduction activity of the heart and characterization of atrial ventricular arrhythmias.
- (12) "Existing" means the equipment was in operation prior to the beginning of the review period.
- (13) "High-risk patient" means a person with reduced life expectancy because of left main or multi-vessel coronary artery disease, often with impaired left ventricular function and with other characteristics as referenced in the American College of Cardiology/American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories (1991) report.
- (14) "Mobile equipment" means cardiac angioplasty equipment or cardiac catheterization equipment and transporting equipment which is moved to provide services at two or more host facilities.
- (15) "Percutaneous transluminal coronary angioplasty (PTCA)" is one type of therapeutic cardiac catheterization procedure used to treat coronary artery disease in which a balloon-tipped catheter is placed in the diseased artery and then inflated to compress the plaque blocking the artery.
- (16) "Primary cardiac catheterization service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 45 road miles from the facility, if the facility has a comprehensive cardiac services program; and not farther than 23 road miles from the facility if the facility performs only diagnostic cardiac catheterization procedures; except that the primary cardiac catheterization service area of an academic medical center teaching hospital designated in 10 NCAC 3R shall not be limited to 45 road miles.
- (17) "Therapeutic cardiac catheterization procedure", for the purpose of determining utilization in a certificate of need review, means a cardiac catheterization procedure performed for the purpose of treating or resolving certain anatomical or physiological conditions which have been determined to exist in the heart or coronary arteries or veins of the heart, but not the pulmonary artery.

*History Note:* Filed as a Temporary Amendment Eff. September 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

*Authority:* G.S. 131E-177(1); 131E-183;

*Eff.* January 1, 1987;

*Amended Eff.* November 1, 1996; February 1, 1994;

*Temporary Amendment Eff.* January 1, 1999.

## .1615 REQUIRED PERFORMANCE STANDARDS

(a) ~~The~~ An applicant shall demonstrate that the project is capable of meeting the following standards:

- (1) each proposed item of cardiac catheterization equipment or cardiac angioplasty equipment, including mobile equipment, shall be utilized at an annual rate of at least 60 percent of capacity, measured during the fourth quarter of the third year following completion of the project;
- (2) if the applicant proposes to perform therapeutic cardiac catheterization procedures, each of the applicant's therapeutic cardiac catheterization teams shall be performing at an annual rate of at least 100 therapeutic cardiac catheterization procedures, during the third year of operation following completion of the project;
- (3) ~~if the applicant proposes to perform diagnostic cardiac catheterization procedures, each diagnostic cardiac catheterization team shall be performing at an annual rate of at least 200 diagnostic-equivalent cardiac catheterization procedures by the end of the third year following completion of the project;~~
- (4) at least 50 percent of the projected cardiac catheterization procedures shall be performed on patients residing within the primary cardiac catheterization service ~~area;~~ area.

(b) An applicant proposing to acquire mobile cardiac catheterization or mobile cardiac angioplasty equipment shall:

- (1) ~~demonstrate that~~ each existing item of cardiac catheterization equipment and cardiac angioplasty equipment ~~in each facility which has a primary cardiac catheterization service area that overlaps~~ equipment, excluding mobile equipment, located in the proposed primary cardiac catheterization service area of each host facility shall have been operated at a level of at least 80 percent of capacity during the 12 month period reflected in the most recent licensure form on file with the Division of Facility Services;
- (2) ~~demonstrate that~~ the utilization of each existing or approved item of cardiac catheterization equipment and cardiac angioplasty ~~equipment, excluding mobile equipment, located in each facility which has a primary cardiac catheterization service area that overlaps~~ the proposed primary cardiac catheterization service area of each host facility shall not be expected to fall below 60 percent of capacity due to the acquisition of the proposed cardiac catheterization, cardiac angioplasty, or mobile equipment;
- (3) ~~if the applicant proposes to perform diagnostic cardiac catheterization procedures, each diagnostic cardiac catheterization team shall be performing at an annual rate of at least 200 diagnostic-equivalent cardiac catheterization procedures by the end of the third year following completion of the project;~~
- (3) ~~demonstrate that~~ each item of existing mobile equipment operating in the proposed primary cardiac catheterization service area of each host facility shall have been performing at least an average of four



diagnostic-equivalent cardiac catheterization procedures per day per site in the proposed cardiac catheterization service area in the 12 month period preceding the submittal of the application; and

- (8) (4) demonstrate that each item of existing or approved mobile equipment to be operating in the proposed primary cardiac catheterization service area of each host facility shall be performing at least an average of four diagnostic-equivalent cardiac catheterization procedures per day per site in the proposed cardiac catheterization service area in the applicant's third year of operation; and
- (5) provide documentation of all assumptions and data used in the development of the projections required in this Rule.

(c) An applicant proposing to acquire cardiac catheterization or cardiac angioplasty equipment that is not mobile cardiac catheterization equipment shall:

- (1) demonstrate that each of its existing items of cardiac catheterization and cardiac angioplasty equipment, except mobile equipment, located in the proposed cardiac catheterization service area operated at a level of at least 80% of capacity during the twelve month period reflected in the most recent licensure renewal application form on file with the Division of Facility Services;
- (2) demonstrate that each of its existing items of cardiac catheterization equipment or cardiac angioplasty equipment, except mobile equipment, shall be utilized at an annual rate of at least 60 percent of capacity, measured during the fourth quarter of the third year following completion of the project; and
- (3) provide documentation of all assumptions and data used in the development of the projections required in this Rule.

(b) (d) If the applicant proposes to perform cardiac catheterization procedures on patients age 14 and under, the applicant shall demonstrate that it meets the following additional criteria:

- (1) the facility has the capability to perform diagnostic and therapeutic cardiac catheterization procedures and open heart surgery services on patients age 14 and under;
- (2) the proposed project shall be performing at an annual rate of at least 100 cardiac catheterization procedures on patients age 14 or under during the fourth quarter of the third year following initiation of the proposed cardiac catheterization procedures for patients age 14 and under.

(c) ~~An applicant shall provide documentation of all assumptions and data used in the development of the projections required in this Rule.~~

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*Temporary Amendment Eff. January 1, 1999.*

## SECTION .1700 - CRITERIA AND STANDARDS FOR OPEN-HEART SURGERY SERVICES AND HEART-LUNG BYPASS MACHINES

### .1713 DEFINITIONS

The following definitions shall apply to all rules in this Section:

- (1) "Capacity" of ~~an open heart surgery room~~ a heart-lung bypass machine means 400 adult-equivalent open heart surgical procedures per year. One open heart surgical procedure on persons age 14 and under is valued at two adult open heart surgical procedures. For purposes of determining capacity, one open heart surgical procedure is defined to be one visit or trip by a patient to ~~the open heart surgery an operating room~~ for an open heart operation.
- (2) "Cardiac Surgical Intensive Care Unit" means a distinct intensive care unit as defined in 10 NCAC 3R .1213(2) and which is for exclusive use by post-surgical open heart patients.
- (3) "Heart-lung bypass machine" shall have the same meaning as defined in G.S. 131E-176(10a).
- (4) "Open heart surgery service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 90 road miles from the facility, except that the open heart surgery service area of an academic medical center teaching hospital designated in 10 NCAC 3R ~~3050~~ shall not be limited to 90 road miles.
- (5) "Open heart surgery services" shall have the same meaning as defined in G.S. 131E-176(18b).
- (6) "Open heart surgical procedures" means highly specialized surgical procedures which:
- utilize a heart-lung bypass machine (the "pump") to perform extra-corporeal circulation and oxygenation during surgery;
  - are designed to correct congenital and acquired cardiac and coronary disease; and
  - are identified by Medicare Diagnostic Related Group ("DRG") numbers 104, 105, 106, 107, and 108.
- (7) ~~"Open heart surgery room" means an operating room primarily used to perform open heart surgical procedures, as reported on the most current hospital licensure application.~~
- (8) ~~"Open heart surgery program" means all of the open heart surgery rooms operated in one hospital.~~
- (9) (7) "Primary open heart surgery service area" means a geographical area defined by the applicant, which has boundaries that are not farther than 45 road miles from the facility, except that the primary open heart surgery service area of an academic medical center teaching hospital designated ~~to in~~ 10 NCAC 3R ~~3050~~ shall not be limited to 45 road miles.

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#### .1714 INFORMATION REQUIRED OF APPLICANT

(a) An applicant that proposes to add an open heart surgery room or to acquire a heart-lung bypass machine shall use the acute care facility/medical equipment application form.

(b) The applicant shall also provide the following additional information:

- (1) ~~the projected number of open heart surgical procedures to be completed in each open heart surgery room and~~ the projected number of open heart surgical procedures to be performed on each heart-lung bypass machine owned by or operated in the facility for each of the first 12 calendar quarters following completion of the proposed project, including the methodology and assumptions used to make these projections;
- (2) the projected number of cardiac catheterization procedures to be completed in the facility for each of the first 12 calendar quarters following completion of the proposed project, including the methodology and assumptions used for these projections;
- (3) the applicant's experience in treating cardiovascular patients at the facility during the past 12 months, including:
  - (A) the number of patients receiving stress tests;
  - (B) the number of patients receiving intravenous thrombolytic therapies;
  - (C) the number of patients presenting in the Emergency Room or admitted to the hospital with suspected or diagnosed acute myocardial infarction;
  - (D) the number of cardiac catheterization procedures performed, by type of procedure;
  - (E) the number of patients referred to other facilities for cardiac catheterization or open heart surgical procedures, by type of procedure;
  - (F) the number of patients referred to the applicant's facility for cardiac catheterization or open heart surgical procedures, by type of procedure;
  - (G) the number of open heart surgery procedures performed by type of procedure during the twelve month period reflected in the most recent licensure form on file with the Division of Facility Services;
- (4) the number of patients from the proposed open heart surgery service area who are projected to receive open heart surgical procedures by patient's county of residence in each of the first 12 quarters of operation

including the methodology and assumptions used to make the projections;

- (5) the number of patients from the proposed primary open heart surgery service area who are projected to receive open heart surgical procedures by patient's county of residence in each of the first 12 quarters, including the methodology and assumptions used to make these projections;
- (6) the projected patient referral sources;
- (7) evidence of the applicant's capability to communicate efficiently with emergency transportation agencies and with all hospitals serving the proposed service area;
- (8) the number and composition of open heart surgical teams available to the applicant;
- (9) a brief description of the applicant's in-service training or continuing education programs for open heart surgical team members; and
- (10) evidence of the applicant's capability to perform both cardiac catheterization and open heart surgical procedures 24 hours per day, 7 days per week.

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#### .1715 REQUIRED PERFORMANCE STANDARDS

The applicant shall demonstrate that the proposed project is capable of meeting the following standards:

- (1) ~~each open heart surgery room shall be utilized at an annual rate of at least 50 percent of capacity, measured during the twelfth quarter following completion of the project;~~
- (2) (1) the applicant shall perform at least 4 diagnostic catheterizations per open heart surgical procedure during each quarter;
- (3) (2) a an applicant's existing and new or additional heart-lung bypass machine machines shall be utilized at an annual rate of 200 open heart surgical procedures per year, per machine, measured during the twelfth quarter following completion of the project; project, with the exception that this standard may be waived for a second machine exclusively used for backup and owned by any hospital that is proposing to develop new open heart surgery services and acquired its heart-lung bypass machines prior to March 18, 1993, but was unable to use such machines because it did not have a certificate of need authorizing it to provide open heart surgery services;
- (4) (3) at least 50 percent of the projected open heart surgical procedures shall be performed on patients residing within the primary open heart surgery service area;

- ~~(5) each existing open heart surgery program in each facility which has a primary open heart surgery service area that overlaps the proposed primary open heart surgery service area operated at a level of at least 80 percent of capacity during the 12-month period reflected in the most recent licensure form on file with the Division of Facility Services;~~
- ~~(6) the utilization of existing open heart surgery programs whose primary open heart surgery service area overlaps the proposed primary open heart surgery service area is not expected to fall below 50 percent of capacity due to the institution of the new or expanded open heart surgery program;~~
- (7) (4) the applicant's projected utilization and proposed staffing patterns are such that each open heart surgical team shall perform at an annual rate of at least 150 open heart surgical procedures by the end of the third year following completion of the project;
- (8) (5) the applicant shall document the assumptions and provide data supporting the methodology used to make these projections; and
- (9) (6) heart-lung bypass machines that have been acquired for non-surgical use, or for non-heart surgical procedure use, and that are dedicated for services that are not related to the open heart surgery program, services, shall not be utilized in the performance of open heart surgical procedures.

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## **SECTION .1900 - CRITERIA AND STANDARDS FOR RADIATION THERAPY EQUIPMENT**

### **.1912 DEFINITIONS**

These definitions shall apply to all rules in this Section:

- (1) "Approved linear accelerator" means a linear accelerator which was not operational prior to the beginning of the review period but which had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.
- (2) "Complex Radiation treatment" is equal to 2 1.25 ESTVs and means: treatment on three or more sites on the body; use of special techniques such as tangential fields with wedges, rotational or arc techniques; or use of custom blocking.
- (3) "Equivalent Simple Treatment Visit [ESTV]" means one basic unit of radiation therapy which normally requires up to 15 minutes for the uncomplicated set-up and treatment of a patient on a modern megavoltage teletherapy unit including the time necessary for portal filming.

- (4) "Existing linear accelerator" means a linear accelerator in operation prior to the beginning of the review period.
- (5) "Intermediate Radiation treatment" means treatment on two separate sites on the body, three or more fields to a single treatment site or use of multiple blocking and is equal to 2 1.10 ESTVs.
- (6) "Linear accelerator" means MRT equipment which is used to deliver a beam of electrons or photons in the treatment of cancer patients.
- (7) "Linear accelerator service area" means a geographical area, defined by the applicant, in which a linear accelerator provides services and in which no less than 120,000 persons reside, single or multi-county area as used in the development of the need determination in the applicable State Medical Facilities Plan.
- (8) "Megavoltage unit" means MRT equipment which provides a form of teletherapy that involves the delivery of energy greater than, or equivalent to, one million volts by the emission of x-rays, gamma rays, electrons, or other radiation.
- (9) "Megavoltage radiation therapy (MRT)" means the use of ionizing radiation in excess of one million electron volts in the treatment of cancer.
- (10) "MRT equipment" means a machine or energy source used to provide megavoltage radiation therapy including linear accelerators and other particle accelerators.
- (11) "Radiation therapy equipment" means medical equipment which is used to provide radiation therapy services.
- (12) "Radiation therapy services" means those services which involve the delivery of precisely controlled and monitored doses of radiation to a well defined volume of tumor bearing tissue within a patient. Radiation may be delivered to the tumor region by the use of radioactive implants or by beams of ionizing radiation or it may be delivered to the tumor region systemically.
- (13) "Radiation therapy service area" means the geographic area in which radiation therapy services are proposed to be provided by the applicant a single or multi-county area as used in the development of the need determination in the applicable State Medical Facilities Plan.
- (14) "Simple Radiation treatment" means treatment on a single site on the body, single treatment field or parallel opposed fields with no more than simple blocks and is equal to 1 ESTV.
- (15) "Simulator" means a machine that precisely reproduces the geometric relationships of the MRT equipment to the patient.
- (16) "Special technique" means radiation therapy treatments that may require increased time for each patient visit including:
  - (a) total body irradiation (photons or electrons) which equals 4.0 ESTVs;

- (b) hemi-body irradiation which equals 2.0 ESTVs;
- (c) intraoperative radiation therapy which equals 10.0 ESTVs;
- (d) particle radiation therapy which equals 2.0 ESTVs;
- (e) dynamic conformational radiation therapy with moving gantry, collimators or couch which equals 1.5 ESTVs;
- (f) limb salvage irradiation at lengthened SSD which equals ~~2.0~~ 1.0 ESTV;
- (g) additional field check radiographs which equals ~~.05~~ .50 ESTV; and
- (h) stereotactic radiosurgery treatment management which equals ~~6.0~~ 3.0 ESTVs.

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*Authority* G.S. 131E-177(1); 131E-183;

*Eff.* January 4, 1994;

*Amended Eff.* November 1, 1996;

*Temporary Amendment Eff.* January 1, 1999.

#### .1913 INFORMATION REQUIRED OF APPLICANT

(a) An applicant proposing to acquire radiation therapy equipment shall use the Acute Care Facility/Medical Equipment application form.

(b) An applicant proposing to acquire radiation therapy equipment shall also provide the following additional information:

- (1) ~~a description of the boundaries of the proposed radiation therapy service area or the proposed linear accelerator service area if the applicant proposes to acquire a linear accelerator;~~
- (2) ~~a list of the existing radiation therapy equipment in the proposed radiation therapy service area or linear accelerator service area;~~
- (3) (1) a list of all the radiation therapy equipment to be acquired and documentation of the capabilities and capacities of each item of equipment;
- (4) (2) documentation of the purchase price and fair market value of each piece of radiation therapy equipment, each simulator, and any other related equipment proposed to be acquired;
- (5) (3) the projected number of patient treatments by county and by simple, intermediate and complex treatments to be performed on each piece of radiation therapy equipment for each of the first eight calendar quarters following the completion of the proposed project and documentation of all assumptions by which utilization is projected;
- (6) (4) documentation that the proposed radiation therapy equipment shall be operational at least seven hours per day, five days a week;
- (7) (5) documentation that no more than one simulator is available for every two linear accelerators in the applicant's facility, except that an applicant that has

- only one linear accelerator may have one simulator;
- (8) (6) documentation that the services shall be offered in a physical environment that conforms to the requirements of federal, state, and local regulatory bodies; and
- (9) (7) the projected number of patients that will be treated for cure and the number of patients that will be treated for palliation on each linear accelerator on an annual basis.

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*Amended Eff.* November 1, 1996;

*Temporary Amendment Eff.* January 1, 1999.

#### .1914 REQUIRED PERFORMANCE STANDARDS

(a) An applicant proposing to acquire a linear accelerator shall demonstrate that each of the following standards shall be met:

- (1) ~~each an applicant's~~ existing linear accelerator ~~in the proposed service area~~ served at least 250 patients or provided 6,500 ESTV treatments in the twelve months prior to the date the application was submitted;
- (2) each proposed new linear accelerator shall be utilized at an annual rate of 250 patients or 6,500 ESTV treatments during the third year of operation of the new equipment; and
- (3) ~~each an applicant's~~ existing ~~and approved~~ linear accelerator shall be projected to be utilized at an annual rate of 250 patients or 6,500 ESTV treatments during the third year of operation of the new equipment.

(b) A linear accelerator shall not be held to the standards in Paragraph (a) of this Rule if the applicant provides documentation that the linear accelerator has been or shall be used exclusively for clinical research and teaching.

(c) An applicant proposing to acquire radiation therapy equipment other than a linear accelerator shall provide the following information:

- (1) the number of patients that are projected to receive treatment from the proposed radiation therapy equipment, classified by type of equipment, diagnosis, treatment procedure, and county of residence; and
- (2) the maximum number and type of procedures that the proposed equipment is capable of performing.

(d) The applicant shall document all assumptions and provide data supporting the methodology used to determine projected utilization as required in this Rule.

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*Temporary Amendment Eff. January 1, 1999.*

**SECTION .2100 - CRITERIA AND STANDARDS FOR  
AMBULATORY SURGICAL SERVICES**

**.2113 DEFINITIONS**

The following definitions shall apply to all rules in this Section:

- (1) "Ambulatory surgical case" means an individual who receives one or more ambulatory surgical procedures in an ambulatory surgical operating room during a single operative encounter.
- (2) "Ambulatory surgical service area" means a single or multi-county area as used in the development of ~~40 NCAC 3R .3030~~ the ambulatory surgical facility need determination in the applicable State Medical Facilities Plan.
- (3) "Ambulatory surgical services" means those surgical services provided to patients as part of an ambulatory surgical program within a licensed ambulatory surgical facility or a general acute care hospital licensed under G.S. 131E, Article 5, Part A.
- (4) "Ambulatory surgical facility" means a facility as defined in G.S. 131E-176(1a).
- (5) "Ambulatory surgical operating room" means a dedicated or shared operating room in a licensed ambulatory surgical facility, or a general acute care hospital licensed under G.S. 131E, Article 5, Part A, that is fully equipped to perform surgical procedures and is constructed to meet the specifications and standards, including fire and life safety code requirements, appropriate to the type of facility as utilized by the Construction Section of the Division of Facility Services. Ambulatory surgical operating rooms exclude operating rooms dedicated for the performance of inpatient surgical procedures, cast rooms, procedures rooms that do not meet operating room specifications, suture rooms, YAG laser rooms, and cystoscopy and endoscopy procedure rooms that do not meet the specifications of an operating room.
- (6) "Ambulatory surgical program" means a program as defined in G.S. 131E-176(1b).
- (7) "Ambulatory surgical procedure" means a surgical procedure performed in a surgical operating room which requires local, regional or general anesthesia and a period of post-operative observation of less than 24 hours. Ambulatory surgical procedures exclude those procedures which are generally performed more than 50 percent of the time in a physician's office.
- (8) "Existing ambulatory surgical operating rooms" means those ambulatory surgical operating rooms in ambulatory surgical facilities and hospitals which were reported in the License Application for Ambulatory Surgical Facilities and Programs and in Part III of Hospital Licensure Renewal Application Form submitted to the Licensure Section of the Division of Facility Services and which were licensed and certified prior to the beginning of the review

period.

- (9) "Approved ambulatory surgical operating rooms" means those ambulatory surgical operating rooms that were approved for a certificate of need by the Certificate of Need Section prior to the date on which the applicant's proposed project was submitted to the Agency but that have not been licensed and certified. The term also means those operating rooms which the Certificate of Need Section determined were not subject to certificate of need review and which were under construction prior to the date the applicant's proposal was submitted to the Agency.
- (10) "Dedicated ambulatory surgical operating room" means an ambulatory surgical operating room used solely for the performance of ambulatory surgical procedures.
- (11) "Multispecialty ambulatory surgical program" means a program as defined in G.S. 131E-176(15a).
- (12) "Shared surgical operating room" means an ambulatory surgical operating room that is used for the performance of both ambulatory and inpatient surgical procedures.
- (13) "Specialty area" means an area of medical practice in which there is an approved medical specialty certificate issued by a member board of the American Board of Medical Specialties and includes, but is not limited to the following: gynecology, otolaryngology, plastic surgery, general surgery, ophthalmology, urology, orthopedics, and oral surgery.
- (14) "Specialty ambulatory surgical program" means a program as defined in G.S. 131E-176(24c).
- (15) "Practical utilization" is 4.3 surgical cases per day for a dedicated ambulatory surgical operating room and 3.5 surgical cases per day for a shared surgical operating room.

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*Authority G.S. 131E-177; 131E-183(b);*

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*Temporary Amendment Eff. January 1, 1999.*

**SECTION .2700 - CRITERIA AND STANDARDS FOR  
MAGNETIC RESONANCE IMAGING SCANNER**

**.2713 DEFINITIONS**

The following definitions shall apply to all rules in this Section:

- (1) "Approved MRI scanner" means an MRI scanner which was not operational prior to the beginning of the review period but which had been issued a certificate of need or had been acquired prior to March 18, 1993 in accordance with 1993 N.C. Sess. Laws c. 7, s. 12.
- (2) "Existing MRI scanner" means an MRI scanner in operation prior to the beginning of the review period.

- (3) "Magnetic Resonance Imaging" (MRI) means a non-invasive diagnostic modality in which electronic equipment is used to create tomographic images of body structure. The MRI scanner exposes the target area to nonionizing magnetic energy and radio frequency fields, focusing on the nuclei of atoms such as hydrogen in the body tissue. Response of selected nuclei to this stimulus is translated into images for evaluation by the physician.
- (4) "Magnetic resonance imaging scanner" (MRI Scanner) is defined in G.S. 131E-176(14e).
- (5) "Mobile MRI scanner" means an MRI scanner and transporting equipment which is moved to provide services at two or more host facilities.
- (6) "MRI procedure" means a single discrete MRI study of one patient.
- (7) "MRI service area" means ~~the geographic area defined by the applicant~~ a single county or multi-county area as used in the development of the need determination in the State Medical Facilities Plan.
- (8) "MRI study" means one or more scans relative to a single diagnosis or symptom.

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*Authority* G.S. 131E-177(1); 131E-183(b);

*Eff.* February 1, 1994;

*Temporary Amendment Eff.* January 1, 1999.

#### **.2715 REQUIRED PERFORMANCE STANDARDS**

(a) An applicant proposing to acquire a mobile magnetic resonance imaging (MRI) scanner, ~~including a mobile MRI scanner~~, shall:

- (1) demonstrate that all existing MRI scanners, ~~except mobile MRI scanners~~, except those moved to provide services at more than one site, operating in the proposed MRI service area in which the proposed MRI scanner will be located performed at least 2,032 MRI procedures in the last year;
- (2) project annual utilization in the third year of operation of at least 2,032 MRI procedures per year, for each ~~proposed~~ MRI scanner or mobile MRI scanner to be operated by the applicant in the ~~proposed~~ MRI service area in which the proposed MRI scanner will be located;
- (3) demonstrate that all of the existing MRI ~~scanners~~, scanners, except mobile, operating in the proposed MRI service area shall be performing at least 2,032 MRI procedures per year in the applicant's third year of operation;
- (4) demonstrate that all of the approved MRI ~~scanners~~, scanners, except mobile, in the proposed MRI service area shall be performing at least 2,032 MRI procedures per year in the applicant's third year of operation;
- (5) demonstrate that all existing mobile MRI scanners operating in the proposed MRI service area performed

- at least an average of eight procedures per day per site in the proposed MRI service area in the last year and shall be performing at least an average of eight procedures per day per site in the proposed MRI service area in the applicant's third year of operation;
- (6) demonstrate that all approved mobile MRI scanners to be operating in the proposed MRI service area shall be performing at least an average of eight procedures per day per site in the proposed MRI service area in the applicant's third year of operation; and
- (7) document the assumptions and provide data supporting the methodology used for each projection required in this Rule.

(b) An applicant proposing to acquire a magnetic resonance imaging (MRI) scanner that is not a mobile MRI scanner shall:

- (1) demonstrate that its existing MRI scanners, except mobile MRI scanners, operating in the proposed MRI service area in which the proposed MRI scanner will be located performed at least 2,032 MRI procedures in the last year;
- (2) project annual utilization in the third year of operation of at least 2,032 MRI procedures per year, for each MRI scanner or mobile MRI scanner to be operated by the applicant in the proposed MRI service area in which the proposed equipment will be located; and
- (3) document the assumptions and provide data supporting the methodology used for each projection required in this Rule.

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#### **SECTION .4200 - CRITERIA AND STANDARDS FOR HOSPICES, HOSPICE INPATIENT FACILITIES, AND HOSPICE RESIDENTIAL CARE FACILITIES**

##### **.4203 REQUIRED PERFORMANCE STANDARDS**

(a) An applicant proposing to develop hospice inpatient facility beds or hospice residential care facility beds shall demonstrate that:

- (1) the average occupancy rate of the licensed beds in the facility is projected to be at least 50% for the last six months of the first operating year following completion of the project;
- (2) the average occupancy rate for the licensed beds in the facility is projected to be at least 65% for the second operating year following completion of the project; and
- (3) if the application is submitted to address the need for a hospice residential care facility or hospice inpatient facility for a contiguous grouping of counties, each existing facility which is located in the hospice service area and which has licensed beds of the type proposed by the applicant attained an occupancy rate



of at least 65% for the 12 month period reported on that facility's most recent Licensure Renewal Application Form.

(b) An applicant proposing to add beds to an existing hospice inpatient facility or hospice residential care facility shall document that the average occupancy of the licensed hospice inpatient and hospice residential care facility beds in its existing facility was at least 65% for the nine months immediately preceding the submittal of the proposal.

(c) An applicant proposing to develop a hospice shall demonstrate that no less than 80% of the total number of days of hospice care furnished to Medicaid and Medicare patients will be provided in the patient's residence in accordance with 42 CFR 418.302(f)(2).

*History Note: Authority G.S. 131E-177(1);*

*Eff. July 1, 1994;*

*Temporary Amendment Eff. January 1, 1999.*

## SECTION .6200 - PLANNING POLICIES AND NEED DETERMINATIONS FOR 1999

### .6201 APPLICABILITY OF RULES RELATED TO THE 1999 STATE MEDICAL FACILITIES PLAN

Rules .6201 through .6205 and .6207 through .6241 of this Section apply to certificate of need applications for which the scheduled review period begins during calendar year 1999. In addition, Rule .6206 of this Section will be used to implement procedures described within it during calendar year 1999.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1999.*

### .6202 CERTIFICATE OF NEED REVIEW CATEGORIES

The agency has established ten categories of facilities and services for certificate of need review and will determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency will determine in which category the application will be reviewed. The review of an application for a certificate of need will commence in the next review schedule after the application has been determined to be complete. The 10 categories of facilities and services are:

- (1) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Category J, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for nursing care beds; new continuing care facilities applying for exemption under 10 NCAC 3R .6234; and relocations of nursing care beds under 10 NCAC 3R .6236.

- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (4) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.
- (7) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .6233.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .6222; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .6230(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H and Category J.
- (10) Category J. Proposals for demonstration projects, cardiac angioplasty equipment, and cardiac catheterization equipment.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1999.*

**.6203 CERTIFICATE OF NEED REVIEW SCHEDULE**

The agency has established the following review schedules for certificate of need applications.

- (1) Inpatient Rehabilitation Beds (in accordance with the need determination in 10 NCAC 3R .6208)

<u>Health Service Area (HSA)</u>	<u>CON Beginning Review Date</u>
<u>I</u>	<u>August 1, 1999</u>
<u>II</u>	<u>August 1, 1999</u>
<u>V</u>	<u>September 1, 1999</u>
<u>VI</u>	<u>September 1, 1999</u>

- (2) Ambulatory Surgical Facilities (in accordance with the need determination in 10 NCAC 3R .6209)

<u>Ambulatory Surgery Service Area</u>	<u>CON Beginning Review Date</u>
<u>9 (Brunswick, Columbus, Duplin, New Hanover, Pender)</u>	<u>September 1, 1999</u>

- (3) Open Heart Surgery Services (in accordance with the need determination in 10 NCAC 3R .6210)

<u>Hospital</u>	<u>CON Beginning Review Date</u>
<u>Hospitals without open heart surgery services which acquired heart-lung bypass machines before March 18, 1993</u>	<u>April 1, 1999</u>

- (4) Heart-Lung Bypass Machines (in accordance with the need determination in 10 NCAC 3R .6211)

<u>Hospital Service System</u>	<u>CON Beginning Review Date</u>
<u>Cumberland County</u>	<u>March 1, 1999</u>

- (5) Fixed Cardiac Catheterization Equipment (in accordance with the need determination in 10 NCAC 3R .6212)

<u>Hospital Service System</u>	<u>CON Beginning Review Date</u>
<u>Wake County</u>	<u>May 1, 1999</u>
<u>Mecklenburg County</u>	<u>February 1, 1999</u>
<u>Forsyth County</u>	<u>February 1, 1999</u>
<u>Moore County</u>	<u>July 1, 1999</u>
<u>New Hanover County</u>	<u>July 1, 1999</u>
<u>Pitt County</u>	<u>July 1, 1999</u>
<u>Catawba County</u>	<u>October 1, 1999</u>
<u>Buncombe County</u>	<u>October 1, 1999</u>



# TEMPORARY RULES

<u>Guilford County - Greensboro Area Only</u>	<u>October 1, 1999</u>
<u>Durham County</u>	<u>November 1, 1999</u>
<u>Orange County</u>	<u>November 1, 1999</u>

(6) Radiation Oncology Treatment Centers (in accordance with the need determination in 10 NCAC 3R .6220)

<u>Radiation Oncology Treatment Center Service Area</u>	<u>CON Beginning Review Date</u>
<u>6 (Cleveland, Gaston, Lincoln, Rutherford)</u>	<u>April 1, 1999</u>
<u>7 (Anson, Mecklenburg, Union)</u>	<u>October 1, 1999</u>

(7) Magnetic Resonance Imaging Scanners (in accordance with the need determination in 10 NCAC 3R .6221)

<u>Magnetic Resonance Imaging Scanners Service Area</u>	<u>CON Beginning Review Date</u>
<u>5 (Alexander, Burke, Caldwell, Catawba, Lincoln)</u>	<u>October 1, 1999</u>
<u>7 (Henderson, Polk, Transylvania)</u>	<u>April 1, 1999</u>
<u>15 (Davidson, Guilford, Randolph, Rockingham)</u>	<u>October 1, 1999</u>
<u>18 (Cumberland, Hoke, Moore, Robeson, Sampson)</u>	<u>September 1, 1999</u>
<u>23 (Beaufort, Bertie, Hyde, Greene, Martin, Pitt, Washington)</u>	<u>March 1, 1999</u>
<u>24 (Edgecombe, Halifax, Nash, Northampton)</u>	<u>September 1, 1999</u>

(8) Nursing Care Beds (in accordance with the need determination in 10 NCAC 3R .6222)

<u>County</u>	<u>CON Beginning Review Date</u>
<u>Ashe</u>	<u>April 1, 1999</u>
<u>Catawba</u>	<u>April 1, 1999</u>
<u>Henderson</u>	<u>October 1, 1999</u>
<u>McDowell</u>	<u>December 1, 1999</u>
<u>Caswell</u>	<u>June 1, 1999</u>
<u>Davie</u>	<u>August 1, 1999</u>
<u>Guilford</u>	<u>June 1, 1999</u>
<u>Randolph</u>	<u>December 1, 1999</u>
<u>Mecklenburg</u>	<u>August 1, 1999</u>
<u>Person</u>	<u>March 1, 1999</u>
<u>Wake</u>	<u>September 1, 1999</u>
<u>Columbus</u>	<u>September 1, 1999</u>

<u>Pender</u>	<u>March 1, 1999</u>
<u>Sampson</u>	<u>March 1, 1999</u>
<u>Carteret</u>	<u>September 1, 1999</u>
<u>Perquimans</u>	<u>March 1, 1999</u>

- (9) Chemical Dependency (Substance Abuse) Beds (in accordance with the need determination in 10 NCAC 3R .6228)  
 (a) Adult Treatment Beds

<u>Mental Health Planning Region</u>	<u>CON Beginning Review Date</u>
<u>Eastern Region</u>	<u>December 1, 1999</u>

- (b) Adult Detox-Only Beds

<u>Mental Health Planning Areas</u>	<u>CON Beginning Review Date</u>
<u>1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)</u>	<u>May 1, 1999</u>
<u>4 (Henderson, Transylvania)</u>	<u>May 1, 1999</u>
<u>5 (Alexander, Burke, Caldwell, McDowell)</u>	<u>May 1, 1999</u>
<u>6 (Rutherford, Polk)</u>	<u>May 1, 1999</u>
<u>11 (Rowan, Stanly, Cabarrus, Union)</u>	<u>May 1, 1999</u>
<u>14 (Rockingham)</u>	<u>May 1, 1999</u>
<u>16 (Alamance, Caswell)</u>	<u>May 1, 1999</u>
<u>17 (Orange, Person, Chatham)</u>	<u>May 1, 1999</u>
<u>19 (Vance, Granville, Franklin, Warren)</u>	<u>May 1, 1999</u>
<u>20 (Davidson)</u>	<u>May 1, 1999</u>
<u>22 (Bladen, Columbus, Robeson, Scotland)</u>	<u>May 1, 1999</u>
<u>25 (Johnston)</u>	<u>May 1, 1999</u>
<u>26 (Wake)</u>	<u>May 1, 1999</u>
<u>30 (Wayne)</u>	<u>May 1, 1999</u>
<u>31 (Wilson, Greene)</u>	<u>May 1, 1999</u>
<u>32 (Edgecombe, Nash)</u>	<u>May 1, 1999</u>
<u>33 (Halifax)</u>	<u>May 1, 1999</u>
<u>34 (Carteret, Craven, Jones, Pamlico)</u>	<u>May 1, 1999</u>
<u>35 (Lenoir)</u>	<u>May 1, 1999</u>
<u>37 (Bertie, Gates, Hertford, Northampton)</u>	<u>May 1, 1999</u>
<u>38 (Beaufort, Hyde, Martin, Tyrrell, Washington)</u>	<u>May 1, 1999</u>

# TEMPORARY RULES

39	(Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	May 1, 1999
40	(Duplin, Sampson)	May 1, 1999

(10) Intermediate Care Facility Beds for Mentally Retarded (in accordance with need determinations in 10 NCAC 3R .6229)

<u>Mental Health Planning Area</u>	<u>CON Beginning Review Date</u>
8 (Gaston, Lincoln)	May 1, 1999
29 (Onslow)	May 1, 1999

(11) Applications for certificates of need will be reviewed pursuant to the following review schedule, unless another schedule has been specified in Items (1) through (9) of this Rule.

<u>CON Beginning Review Date</u>	<u>HSA I, II, III</u>	<u>HSA IV, V, VI</u>
<u>January 1</u>	--	--
<u>February 1</u>	A, E, G, I, J	G
<u>March 1</u>	--	A, B, E, H, I
<u>April 1</u>	B, F, H, I	--
<u>May 1</u>	C	C, E, I, J
<u>June 1</u>	A, B, D, I	D
<u>July 1</u>	--	A, I, J
<u>August 1</u>	B, E, I	--
<u>September 1</u>	--	B, E, H, I
<u>October 1</u>	A, B, E, H, I, J	H (Oncology Center / Linear Accelerator Only)
<u>November 1</u>	--	A, E, I, J
<u>December 1</u>	B, C, D, I	C, D, I

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

## .6204 MULTI-COUNTY GROUPINGS

(a) Health Service Areas. The agency has assigned the counties of the state to the following health service areas for the purpose of scheduling applications for certificates of need:

### HEALTH SERVICE AREAS (HSA)

<u>I</u> <u>County</u>	<u>II</u> <u>County</u>	<u>III</u> <u>County</u>	<u>IV</u> <u>County</u>	<u>V</u> <u>County</u>	<u>VI</u> <u>County</u>
<u>Alexander</u>	<u>Alamance</u>	<u>Cabarrus</u>	<u>Chatham</u>	<u>Anson</u>	<u>Beaufort</u>
<u>Alleghany</u>	<u>Caswell</u>	<u>Gaston</u>	<u>Durham</u>	<u>Bladen</u>	<u>Bertie</u>
<u>Ashe</u>	<u>Davidson</u>	<u>Iredell</u>	<u>Franklin</u>	<u>Brunswick</u>	<u>Camden</u>
<u>Avery</u>	<u>Davie</u>	<u>Lincoln</u>	<u>Granville</u>	<u>Columbus</u>	<u>Carteret</u>
<u>Buncombe</u>	<u>Forsyth</u>	<u>Mecklenburg</u>	<u>Johnston</u>	<u>Cumberland</u>	<u>Chowan</u>
<u>Burke</u>	<u>Guilford</u>	<u>Rowan</u>	<u>Lee</u>	<u>Harnett</u>	<u>Craven</u>
<u>Caldwell</u>	<u>Randolph</u>	<u>Stanly</u>	<u>Orange</u>	<u>Hoke</u>	<u>Currituck</u>
<u>Catawba</u>	<u>Rockingham</u>	<u>Union</u>	<u>Person</u>	<u>Montgomery</u>	<u>Dare</u>
<u>Cherokee</u>	<u>Stokes</u>		<u>Vance</u>	<u>Moore</u>	<u>Duplin</u>
<u>Clay</u>	<u>Surry</u>		<u>Wake</u>	<u>New Hanover</u>	<u>Edgecombe</u>
<u>Cleveland</u>	<u>Yadkin</u>		<u>Warren</u>	<u>Pender</u>	<u>Gates</u>
<u>Graham</u>				<u>Richmond</u>	<u>Greene</u>
<u>Haywood</u>				<u>Robeson</u>	<u>Halifax</u>
<u>Henderson</u>				<u>Sampson</u>	<u>Hertford</u>
<u>Jackson</u>				<u>Scotland</u>	<u>Hyde</u>
<u>McDowell</u>					<u>Jones</u>
<u>Macon</u>					<u>Lenoir</u>
<u>Madison</u>					<u>Martin</u>
<u>Mitchell</u>					<u>Nash</u>
<u>Polk</u>					<u>Northampton</u>
<u>Rutherford</u>					<u>Onslow</u>
<u>Swain</u>					<u>Pamlico</u>
<u>Transylvania</u>					<u>Pasquotank</u>
<u>Watauga</u>					<u>Perquimans</u>
<u>Wilkes</u>					<u>Pitt</u>
<u>Yancey</u>					<u>Tyrrell</u>
					<u>Washington</u>
					<u>Wayne</u>
					<u>Wilson</u>

(b) Mental Health Planning Areas. The agency has assigned the counties of the state to the following Mental Health Planning Areas for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Henderson, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Cabarrus, Rowan, Stanly, Union</u>
<u>12</u>	<u>Surry, Yadkin, Iredell</u>
<u>13</u>	<u>Forsyth, Stokes, Davie</u>
<u>14</u>	<u>Rockingham</u>
<u>15</u>	<u>Guilford</u>

<u>16</u>	<u>Alamance, Caswell</u>
<u>17</u>	<u>Orange, Person, Chatham</u>
<u>18</u>	<u>Durham</u>
<u>19</u>	<u>Vance, Granville, Franklin, Warren</u>
<u>20</u>	<u>Davidson</u>
<u>21</u>	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
<u>22</u>	<u>Bladen, Columbus, Robeson, Scotland</u>
<u>23</u>	<u>Cumberland</u>
<u>24</u>	<u>Lee, Harnett</u>
<u>25</u>	<u>Johnston</u>
<u>26</u>	<u>Wake</u>
<u>27</u>	<u>Randolph</u>
<u>28</u>	<u>Brunswick, New Hanover, Pender</u>
<u>29</u>	<u>Onslow</u>
<u>30</u>	<u>Wayne</u>
<u>31</u>	<u>Wilson, Greene</u>
<u>32</u>	<u>Edgecombe, Nash</u>
<u>33</u>	<u>Halifax</u>
<u>34</u>	<u>Carteret, Craven, Jones, Pamlico</u>
<u>35</u>	<u>Lenoir</u>
<u>36</u>	<u>Pitt</u>
<u>37</u>	<u>Bertie, Gates, Hertford, Northampton</u>
<u>38</u>	<u>Beaufort, Hyde, Martin, Tyrrell, Washington</u>
<u>39</u>	<u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u>
<u>40</u>	<u>Duplin, Sampson</u>

(c) Mental Health Planning Regions. The agency has assigned the counties of the state to the following Mental Health Planning Regions for purposes of the State Medical Facilities Plan:

MENTAL HEALTH PLANNING REGIONS (Area Number and Constituent Counties)

<u>Western (W)</u>	
<u>1</u>	<u>Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Madison, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga, Wilkes</u>
<u>4</u>	<u>Henderson, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, McDowell</u>
<u>6</u>	<u>Rutherford, Polk</u>
<u>7</u>	<u>Cleveland</u>
<u>8</u>	<u>Gaston, Lincoln</u>
<u>9</u>	<u>Catawba</u>
<u>10</u>	<u>Mecklenburg</u>
<u>11</u>	<u>Cabarrus, Rowan, Stanly, Union</u>
<u>North Central (NC)</u>	
<u>12</u>	<u>Surry, Yadkin, Iredell</u>
<u>13</u>	<u>Forsyth, Stokes, Davie</u>
<u>14</u>	<u>Rockingham</u>
<u>15</u>	<u>Guilford</u>
<u>16</u>	<u>Alamance, Caswell</u>
<u>17</u>	<u>Orange, Person, Chatham</u>
<u>18</u>	<u>Durham</u>
<u>19</u>	<u>Vance, Granville, Franklin, Warren</u>

<u>South Central (SC)</u>	
<u>20</u>	<u>Davidson</u>
<u>21</u>	<u>Anson, Hoke, Montgomery, Moore, Richmond</u>
<u>22</u>	<u>Bladen, Columbus, Robeson, Scotland</u>
<u>23</u>	<u>Cumberland</u>
<u>24</u>	<u>Lee, Harnett</u>
<u>25</u>	<u>Johnston</u>
<u>26</u>	<u>Wake</u>
<u>27</u>	<u>Randolph</u>
<u>Eastern (E)</u>	
<u>28</u>	<u>Brunswick, New Hanover, Pender</u>
<u>29</u>	<u>Onslow</u>
<u>30</u>	<u>Wayne</u>
<u>31</u>	<u>Wilson, Greene</u>
<u>32</u>	<u>Edgecombe, Nash</u>
<u>33</u>	<u>Halifax</u>
<u>34</u>	<u>Carteret, Craven, Jones, Pamlico</u>
<u>35</u>	<u>Lenoir</u>
<u>36</u>	<u>Pitt</u>
<u>37</u>	<u>Bertie, Gates, Hertford, Northampton</u>
<u>38</u>	<u>Beaufort, Hyde, Martin, Tyrrell, Washington</u>
<u>39</u>	<u>Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans</u>
<u>40</u>	<u>Duplin, Sampson</u>

(d) Radiation Oncology Treatment Center Planning Areas. The agency has assigned the counties of the state to the following Radiation Oncology Treatment Center Planning Areas for purposes of the State Medical Facilities Plan:

RADIATION ONCOLOGY TREATMENT CENTER PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
<u>2</u>	<u>Buncombe, Haywood, Madison, McDowell, Mitchell, Yancey</u>
<u>3</u>	<u>Alleghany, Ashe, Avery, Watauga</u>
<u>4</u>	<u>Henderson, Polk, Transylvania</u>
<u>5</u>	<u>Alexander, Burke, Caldwell, Catawba</u>
<u>6</u>	<u>Rutherford, Cleveland, Gaston, Lincoln</u>
<u>7</u>	<u>Mecklenburg, Anson, Union</u>
<u>8</u>	<u>Iredell, Rowan</u>
<u>9</u>	<u>Cabarrus, Stanly</u>
<u>10</u>	<u>Forsyth, Davidson, Davie, Stokes, Surry, Wilkes, Yadkin</u>
<u>11</u>	<u>Guilford, Randolph, Rockingham</u>
<u>12</u>	<u>Alamance, Chatham, Orange</u>
<u>13</u>	<u>Durham, Caswell, Granville, Person, Vance, Warren</u>
<u>14</u>	<u>Moore, Hoke, Lee, Montgomery, Richmond</u>
<u>15</u>	<u>Cumberland, Bladen, Sampson</u>
<u>16</u>	<u>Robeson, Scotland</u>
<u>17</u>	<u>Wake, Franklin, Harnett, Johnston</u>
<u>18</u>	<u>New Hanover, Brunswick, Columbus, Pender</u>
<u>19</u>	<u>Wayne</u>
<u>20</u>	<u>Nash, Halifax, Wilson</u>
<u>21</u>	<u>Craven, Carteret, Onslow, Jones, Pamlico</u>
<u>22</u>	<u>Lenoir, Duplin</u>

<u>23</u>	<u>Pitt, Beaufort, Bertie, Edgecombe, Greene, Hertford, Hyde, Martin, Northampton, Washington</u>
<u>24</u>	<u>Pasquotank, Camden, Chowan, Currituck, Dare, Gates, Perquimans, Tyrrell</u>

(e) Ambulatory Surgical Facility Planning Areas. The agency has assigned the counties of the state to the following Ambulatory Surgical Facility Planning Areas for purposes of the State Medical Facilities Plan:

AMBULATORY SURGICAL FACILITY PLANNING AREAS

<u>Area</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Alamance</u>
<u>2</u>	<u>Alexander, Iredell</u>
<u>3</u>	<u>Alleghany, Surry, Wilkes</u>
<u>4</u>	<u>Anson, Gaston, Mecklenburg, Union</u>
<u>5</u>	<u>Ashe, Avery, Watauga</u>
<u>6</u>	<u>Beaufort, Hyde</u>
<u>7</u>	<u>Bertie, Gates, Hertford</u>
<u>8</u>	<u>Bladen, Cumberland, Robeson, Sampson</u>
<u>9</u>	<u>Brunswick, Columbus, Duplin, New Hanover, Pender</u>
<u>10</u>	<u>Buncombe, Haywood, Madison, Mitchell, Yancey</u>
<u>11</u>	<u>Burke, McDowell, Rutherford</u>
<u>12</u>	<u>Cabarrus, Rowan, Stanly</u>
<u>13</u>	<u>Caldwell, Catawba, Lincoln</u>
<u>14</u>	<u>Camden, Currituck, Dare, Pasquotank, Perquimans</u>
<u>15</u>	<u>Carteret, Craven, Jones, Onslow, Pamlico</u>
<u>16</u>	<u>Caswell, Chatham, Orange</u>
<u>17</u>	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
<u>18</u>	<u>Chowan, Tyrrell, Washington</u>
<u>19</u>	<u>Cleveland</u>
<u>20</u>	<u>Davidson, Davie, Forsyth, Stokes, Yadkin</u>
<u>21</u>	<u>Durham, Granville, Person</u>
<u>22</u>	<u>Edgecombe, Halifax, Nash, Northampton</u>
<u>23</u>	<u>Franklin, Harnett, Johnston, Wake</u>
<u>24</u>	<u>Greene, Lenoir, Martin, Pitt</u>
<u>25</u>	<u>Guilford, Randolph, Rockingham</u>
<u>26</u>	<u>Henderson, Polk, Transylvania</u>
<u>27</u>	<u>Hoke, Lee, Montgomery, Moore, Richmond, Scotland</u>
<u>28</u>	<u>Vance, Warren</u>
<u>29</u>	<u>Wayne</u>
<u>30</u>	<u>Wilson</u>

(f) Magnetic Resonance Imaging (MRI) Planning Areas. The agency has assigned the counties of the state to the following Magnetic Resonance Imaging Planning Areas for purposes of the State Medical Facilities Plan:

MAGNETIC RESONANCE IMAGING PLANNING AREAS

<u>Area Number</u>	<u>Constituent Counties</u>
<u>1</u>	<u>Cherokee, Clay, Graham, Jackson, Macon, Swain</u>
<u>2</u>	<u>Haywood</u>
<u>3</u>	<u>Buncombe, Madison, McDowell, Mitchell, Yancey</u>

- |    |  |
|----|--|
| 4  | <u>Ashe, Avery, Watauga</u>  |
| 5  | <u>Alexander, Burke, Caldwell, Catawba, Lincoln</u>                                      |
| 6  | <u>Cleveland, Rutherford</u>   |
| 7  | <u>Henderson, Polk, Transylvania</u>   |
| 8  | <u>Gaston</u>  |
| 9  | <u>Cabarrus, Montgomery, Rowan, Stanly</u>   |
| 10 | <u>Iredell</u>   |
| 11 | <u>Alleghany, Davie, Forsyth, Stokes, Surry, Wilkes, Yadkin</u>                          |
| 12 | <u>Alamance</u>  |
| 13 | <u>Durham, Caswell, Granville, Person, Vance, Warren</u>                                 |
| 14 | <u>Chatham, Orange</u>   |
| 15 | <u>Davidson, Guilford, Randolph, Rockingham</u>  |
| 16 | <u>Richmond, Scotland</u>  |
| 17 | <u>Anson, Mecklenburg, Union</u>   |
| 18 | <u>Cumberland, Hoke, Moore, Robeson, Sampson</u>   |
| 19 | <u>Franklin, Harnett, Johnston, Lee, Wake</u>  |
| 20 | <u>Lenoir, Wayne, Wilson</u>   |
| 21 | <u>Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender</u>                          |
| 22 | <u>Carteret, Craven, Jones, Onslow, Pamlico</u>  |
| 23 | <u>Beaufort, Bertie, Greene, Hyde, Martin, Pitt, Washington</u>                          |
| 24 | <u>Edgecombe, Halifax, Nash, Northampton</u>   |
| 25 | <u>Camden, Chowan, Currituck, Dare, Gates, Hertford, Pasquotank, Perquimans, Tyrrell</u> |

*History Note: Authority G.S. 131E-176(25); 131E-177(l); 131E-183(1);  
Temporary Adoption Eff. January 1, 1999.*

**.6205 SERVICE AREAS AND PLANNING AREAS**

(a) An acute care bed's service area is the acute care bed planning area in which the bed is located. The acute care bed planning areas are the hospital service systems which are defined as follows:

- (1) a group of hospitals located in the same city, or within 10 miles of each other, or in the same county if one or more hospitals in the county are under common ownership; or
- (2) a single hospital that is not included in one of the groups of hospitals described in Subparagraph (1) of this Paragraph.

(b) A rehabilitation bed's service area is the rehabilitation bed planning area in which the bed is located. The rehabilitation bed planning areas are the health service areas which are defined in 10 NCAC 3R .6204(a).

(c) An ambulatory surgical facility's service area is the ambulatory surgical facility planning area in which the facility is located. The ambulatory surgical facility planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(e).

(d) A radiation oncology treatment center's and linear accelerator's service area is the radiation oncology treatment center and linear accelerator planning area in which the facility is located. The radiation oncology treatment center and linear accelerator planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(d).

(e) A magnetic resonance imaging scanner's service area is the magnetic resonance imaging planning area in which the scanner is located. The magnetic resonance imaging planning areas are the multi-county groupings as defined in 10 NCAC 3R .6204(f).

(f) A nursing care bed's service area is the nursing care bed planning area in which the bed is located. Each of the 100 counties in the State is a separate nursing care bed planning area.

(g) A home health agency office's service area is the home health agency office planning area in which the office is located. Each of the 100 counties in the State is a separate home health agency office planning area.

(h) A dialysis station's service area is the dialysis station planning area in which the dialysis station is located. Each of the 100 counties in the State is a separate dialysis station planning area.

(i) A hospice's service area is the hospice planning area in which the hospice is located. Each of the 100 counties in the State is a separate hospice planning area.

(j) A hospice inpatient facility bed's service area is the hospice inpatient facility bed planning area in which the bed is located. Each of the 100 counties in the State is a separate hospice inpatient facility bed planning area.

(k) A psychiatric bed's service area is the psychiatric bed planning area in which the bed is located. The psychiatric bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6204(c).

(l) With the exception of chemical dependency (substance abuse) detoxification-only beds, a chemical dependency treatment bed's service area is the chemical dependency treatment bed planning area in which the bed is located. The chemical dependency (substance



abuse) treatment bed planning areas are the Mental Health Planning Regions which are defined in 10 NCAC 3R .6204(c).

(m) A chemical dependency detoxification-only bed's service area is the chemical dependency detoxification-only bed planning area in which the bed is located. The chemical dependency (substance abuse) detoxification-only bed planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6204(b).

(n) An intermediate care bed for the mentally retarded's service area is the intermediate care bed for the mentally retarded planning area in which the bed is located. The intermediate care bed for the mentally retarded planning areas are the Mental Health Planning Areas which are defined in 10 NCAC 3R .6204(b).

*History Note: Authority G.S. 131E-176(25); 131E-177(l); 131E-183(l);*

*Temporary Adoption Eff. January 1, 1999.*

## **.6206 REALLOCATIONS AND ADJUSTMENTS**

### **(a) REALLOCATIONS.**

- (1) Reallocations shall be made only to the extent that need determinations in 10 NCAC 3R .6207 through .6229 indicate that need exists after the inventories are revised and the need determinations are recalculated.
- (2) Beds or services which are reallocated once in accordance with this Rule shall not be reallocated again. Rather, the Medical Facilities Planning Section shall make any necessary changes in the next annual State Medical Facilities Plan.
- (3) Dialysis stations that are withdrawn, relinquished, not applied for, decertified, denied, appealed, or pending the expiration of the 30 day appeal period shall not be reallocated. Instead, any necessary redetermination of need shall be made in the next scheduled publication of the Semiannual Dialysis Report.
- (4) Appeals of Certificate of Need Decisions on Applications. Need determinations of beds or services for which the CON Section decision has been appealed shall not be reallocated until the appeal is resolved.
  - (A) Appeals Resolved Prior to August 17: If an appeal is resolved in the calendar year prior to August 17, the beds or services shall not be reallocated by the CON Section; rather the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan, except for dialysis stations which shall be processed pursuant to Subparagraph (a)(3) of this Rule.
  - (B) Appeals Resolved on or After August 17: If the appeal is resolved on or after August 17 in the calendar year, the beds or services, except for dialysis stations, shall be made available for a review period to be determined by the CON Section, but beginning no earlier than 60 days from the date that the appeal is resolved. Notice shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for receipt of new applications.
- (5) Withdrawals and Relinquishments. Except for dialysis stations, a need determination for which a certificate of need is issued, but is subsequently withdrawn or relinquished, is available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from:
  - (A) the last date on which an appeal of the notice of intent to withdraw the certificate could be filed if no appeal is filed,
  - (B) the date on which an appeal of the withdrawal is finally resolved against the holder, or
  - (C) the date that the Certificate of Need Section receives from the holder of the certificate of need notice that the certificate has been voluntarily relinquished.

Notice of the scheduled review period for the reallocated services or beds shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

### **(6) Need Determinations for which No Applications are Received.**

- (A) Services or Beds with Scheduled Review in the Calendar Year on or Before September 1: The Certificate of Need Section shall not reallocate the services or beds in this category for which no applications were received, because the Medical Facilities Planning Section will have sufficient time to make any necessary changes in the determinations of need for these services or beds in the next annual State Medical Facilities Plan, except for dialysis stations.
- (B) Services or Beds with Scheduled Review in the Calendar Year After September 1: Except for dialysis stations, a need determination in this category for which no application has been received by the last due date for submittal of applications shall be available to be applied for in the second Category I review period in the next calendar year for the applicable HSA. Notice of the scheduled review period for the reallocated beds or services shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of new applications.

### **(7) Need Determinations not Awarded because Application Disapproved.**

- (A) Disapproval in the Calendar Year prior to August 17: Need determinations or portions of such need for which applications were submitted but disapproved by the Certificate of Need Section before August 17, shall not be reallocated by the Certificate of Need Section. Instead the Medical Facilities Planning Section shall make the necessary changes in the next annual State Medical Facilities Plan if no appeal is filed, except for dialysis stations.
- (B) Disapproval in the Calendar Year on or After August 17: Need determinations or portions of such need for which

applications were submitted but disapproved by the Certificate of Need Section on or after August 17, shall be reallocated by the Certificate of Need Section, except for dialysis stations. A need in this category shall be available for a review period to be determined by the Certificate of Need Section but beginning no earlier than 95 days from the date the application was disapproved, if no appeal is filed. Notice of the scheduled review period for the reallocation shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 80 days prior to the due date for submittal of the new applications.

- (8) Reallocation of Decertified ICF/MR Beds. If an ICF/MR facility's Medicaid certification is relinquished or revoked, the ICF/MR beds in the facility shall be reallocated by the Department of Health and Human Services, Division of Facility Services, Medical Facilities Planning Section pursuant to the provisions of the following sub-parts. The reallocated beds shall only be used to convert five-bed ICF/MR facilities into six-bed facilities.
  - (A) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located equals or exceeds the number of reallocated beds, the beds shall be reallocated solely within the planning region after considering the recommendation of the Regional Team of Developmental Disabilities Services Directors.
  - (B) If the number of five-bed ICF/MR facilities in the mental health planning region in which the beds are located is less than the number of reallocated beds, the Medical Facilities Planning Section shall reallocate the excess beds to other planning regions after considering the recommendation of the Developmental Disabilities Section in the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services. The Medical Facilities Planning Section shall then allocate the beds among the planning areas within those planning regions after considering the recommendation of the appropriate Regional Teams of Developmental Disabilities Services Directors.
  - (C) The Department of Health and Human Services, Division of Facility Services, Certificate of Need Section shall schedule reviews of applications for these beds pursuant to Subparagraph (a)(5) of this Rule.

**(b) CHANGES IN NEED DETERMINATIONS.**

- (1) The need determinations in 10 NCAC 3R .6207 through .6229 shall be revised continuously throughout the calendar year to reflect all changes in the inventories of:
  - (A) the health services listed at G.S. 131E-176(16)f;
  - (B) health service facilities;
  - (C) health service facility beds;
  - (D) dialysis stations;
  - (E) the equipment listed at G.S. 131E-176(16)f1; and
  - (F) mobile medical equipment;as those changes are reported to the Medical Facilities Planning Section. However, need determinations in 10 NCAC 3R .6207 through .6229 shall not be reduced if the relevant inventory is adjusted upward 30 days or less prior to the first day of the applicable review period.
- (2) Inventories shall be updated to reflect:
  - (A) decertification of home health agencies or offices, intermediate care facilities for the mentally retarded, and dialysis stations;
  - (B) delicensure of health service facilities and health service facility beds;
  - (C) demolition, destruction, or decommissioning of equipment as listed at G.S. 131E-176(16)f1 and s;
  - (D) elimination or reduction of a health service as listed at G.S. 131E-176(16)f;
  - (E) psychiatric beds licensed pursuant to G.S. 131E-184(c);
  - (F) certificates of need awarded, relinquished, or withdrawn, subsequent to the preparation of the inventories in the State Medical Facilities Plan; and
  - (G) corrections of errors in the inventory as reported to the Medical Facilities Planning Section.
- (3) Any person who is interested in applying for a new institutional health service for which a need determination is made in 10 NCAC 3R .6207 through .6229 may obtain information about updated inventories and need determinations from the Medical Facilities Planning Section.
- (4) Need determinations resulting from changes in inventory shall be available for a review period to be determined by the Certificate of Need Section, but beginning no earlier than 60 days from the date of the action identified in Paragraph (b) of this Rule, except for dialysis stations which shall be determined by the Medical Facilities Planning Section and published in the next Semiannual Dialysis Report. Notice of the scheduled review period for the need determination shall be mailed by the Certificate of Need Section to all persons on the mailing list for the State Medical Facilities Plan, no less than 45 days prior to the due date for submittal of the new applications.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6207 ACUTE CARE BED NEED DETERMINATION (REVIEW CATEGORY A)**

It is determined that there is no need for additional acute care beds.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6208 REHABILITATION BED NEED DETERMINATION (REVIEW CATEGORY E)**

It is determined that there is a need for twenty-two additional rehabilitation beds in the HSA's as specified in this Rule. It is determined that there is no need for additional rehabilitation beds in any other HSA.

<u>HSA</u>	<u>Rehabilitation Beds Needed</u>
<u>I</u>	<u>1</u>
<u>II</u>	<u>12</u>
<u>V</u>	<u>7</u>
<u>VI</u>	<u>2</u>

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6209 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)**

It is determined that there is a need for one additional Ambulatory Surgical Facility in the Ambulatory Surgical Planning Area listed in this Rule. It is determined that there is no need for additional Ambulatory Surgical Facilities in any other ambulatory surgical facility planning area.

<u>Ambulatory Surgical Facility Planning Area</u>	<u>Ambulatory Surgical Facilities Needed</u>
<u>9 - Brunswick, Columbus, Duplin, New Hanover, and Pender Counties</u>	<u>1</u>

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6210 OPEN HEART SURGERY SERVICES NEED DETERMINATIONS (REVIEW CATEGORY H)**

It is determined that there is a need for additional open heart surgery services from any hospital which acquired a heart-lung bypass machine prior to March 18, 1993 and which, nevertheless, is unable to use such machine in the provision of open heart surgery services because the hospital does not have a certificate of need authorizing it to provide open heart surgery services. It is further determined that the citizens served by, and residing in the general service areas of such hospitals have a need for such additional open heart surgery services. These needs exist despite the capacity to provide open heart surgery services of any other hospital or hospitals in the State. It is determined that there is no other need for additional open heart surgery services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6211 HEART-LUNG BYPASS MACHINES NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is a need in Cumberland County for one additional heart-lung bypass machine. It is determined that there is no need for an additional heart-lung bypass machine in any other County.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6212 FIXED CARDIAC CATHETERIZATION EQUIPMENT AND FIXED CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)**

It is determined that there is a need for fourteen additional fixed units of cardiac catheterization or cardiac angioplasty equipment in the counties listed in this Rule. It is determined that there is no need for additional fixed units of cardiac catheterization or cardiac angioplasty equipment in any other county.

County	<u>Fixed Units of Cardiac Catheterization or Cardiac Angioplasty Equipment Needed</u>
<u>Wake</u>	<u>2</u>
<u>Mecklenburg</u>	<u>2</u>
<u>Forsyth</u>	<u>2</u>
<u>Moore</u>	<u>1</u>
<u>New Hanover</u>	<u>1</u>
<u>Pitt</u>	<u>1</u>
<u>Catawba</u>	<u>1</u>
<u>Buncombe</u>	<u>1</u>
<u>Guilford - (Greensboro area only)</u>	<u>1</u>
<u>Durham</u>	<u>1</u>
<u>Orange</u>	<u>1</u>

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6213 MOBILE CARDIAC CATHETERIZATION EQUIPMENT AND MOBILE CARDIAC ANGIOPLASTY EQUIPMENT NEED DETERMINATION (REVIEW CATEGORY J)**

It is determined that there is no need for any additional mobile cardiac catheterization equipment or any additional mobile cardiac angioplasty equipment.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6214 BURN INTENSIVE CARE SERVICES NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for additional burn intensive care services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6215 POSITRON EMISSION TOMOGRAPHY SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for additional positron emission tomography scanners for purposes other than research.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6216 BONE MARROW TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for additional allogeneic or autologous bone marrow transplantation services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6217 SOLID ORGAN TRANSPLANTATION SERVICES NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for new solid organ transplant services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6218 GAMMA KNIFE NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for an additional gamma knife.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6219 LITHOTRIPTER NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is no need for additional lithotripters.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6220 RADIATION ONCOLOGY TREATMENT CENTERS NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is a need for one additional Radiation Oncology Treatment Center in each of the following Radiation Oncology Treatment Center Service Areas. It is determined that there is no need for an additional Radiation Oncology Treatment Center in any other service area in the State.

<u>Radiation Oncology Treatment Center Service Areas (Constituent Counties)</u>	<u>Radiation Oncology Treatment Center (Linear Accelerator) Need Determination</u>
<u>6 (Cleveland, Gaston, Lincoln &amp; Rutherford)</u>	<u>1</u>
<u>7 (Anson, Mecklenburg &amp; Union)</u>	<u>1</u>

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6221 MAGNETIC RESONANCE IMAGING SCANNERS NEED DETERMINATION (REVIEW CATEGORY H)**

It is determined that there is a need for seven additional fixed Magnetic Resonance Imaging (MRI) scanners in the following MRI Scanners Service Areas. It is determined that there is no need for an additional fixed MRI scanner in any other service area in the State.

<u>MRI Scanners Service Areas (Constituent Counties)</u>	<u>MRI Scanners Need Determination</u>
<u>5 (Alexander, Burke, Caldwell, Catawba &amp; Lincoln)</u>	<u>1</u>
<u>7 (Henderson, Polk &amp; Transylvania)</u>	<u>1</u>
<u>15 (Davidson, Guildford, Randolph &amp; Rockingham)</u>	<u>1</u>
<u>18 (Cumberland, Hoke, Moore, Robeson &amp; Sampson)</u>	<u>2</u>
<u>23 (Beaufort, Bertie, Hyde, Greene, Martin, Pitt &amp; Washington)</u>	<u>1</u>
<u>24 (Edgecombe, Halifax, Nash &amp; Northampton)</u>	<u>1</u>

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6222 NURSING CARE BED NEED DETERMINATION (REVIEW CATEGORY B)**

It is determined that the counties listed in this Rule need additional Nursing Care Beds as specified. It is determined that there is no need for additional Nursing Care Beds in any other counties.

<u>County</u>	<u>Number of Nursing Care Beds Needed</u>
<u>Ashe</u>	<u>30</u>
<u>Catawba</u>	<u>90</u>
<u>Henderson</u>	<u>90</u>
<u>McDowell</u>	<u>40</u>
<u>Caswell</u>	<u>30</u>
<u>Davie</u>	<u>30</u>

<u>Guilford</u>	<u>90</u>
<u>Randolph</u>	<u>90</u>
<u>Mecklenburg</u>	<u>90</u>
<u>Person</u>	<u>30</u>
<u>Wake</u>	<u>150</u>
<u>Columbus</u>	<u>30</u>
<u>Pender</u>	<u>40</u>
<u>Sampson</u>	<u>40</u>
<u>Carteret</u>	<u>14</u>
<u>Perquimans</u>	<u>20</u>

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6223 HOME HEALTH AGENCY OFFICE NEED DETERMINATION (REVIEW CATEGORY F)**

It is determined that there is no need for additional Medicare-certified home health agencies or offices.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6224 DIALYSIS STATION NEED DETERMINATION**

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1998 for the March SDR and as of June 30, 1999 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

(1) County Need

- (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of 1994 to the end of 1998 is multiplied by the county's 1998 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 1999 patients.
- (B) The percent of each county's total patients who were home dialysis patients at the end of 1998 is multiplied by the county's projected total 1999 patients, and the product is subtracted from the county's projected total 1999 patients. The remainder is the county's projected 1999 in-center dialysis patients.
- (C) The projected number of each county's 1999 in-center patients is divided by 3.2. The quotient is the projection of the county's 1999 in-center dialysis stations.
- (D) From each county's projected number of 1999 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 1999 projected surplus or deficit.
- (E) If a county's 1999 projected station deficit is ten or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 1999 county station need determination is the same as the 1999 projected station deficit. If a county's 1999 projected station deficit is less than ten or if the utilization of any dialysis facility in the county is less than 80%, the county's 1999 station need determination is zero.

(2) Facility Need. A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

- (A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.
- (B) Such need, calculated as follows, is reported in an application for a certificate of need:
  - (i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR<sub>1</sub>) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR<sub>2</sub>). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR<sub>1</sub> to determine the projected annual growth rate.

- (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
- (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 1999.
- (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.
- (v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.

(C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of ten stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Reports (SDR) and for receipt of certificate of need applications based on each issue of this report in 1999 shall be as follows:

Data for Period Ending	Receipt of SEKC Report	Publication of SDR	Receipt of CON Applications	Beginning Review Dates
Dec. 31, 1998	Feb. 26, 1999	March 19, 1999	May 14, 1999	June 1, 1999
June 30, 1999	Aug. 31, 1999	Sept. 20, 1999	Nov. 15, 1999	Dec. 1, 1999

(d) An application for a certificate of need pursuant to this Rule shall be considered consistent with G.S. 131E-183(a)(1) only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients will not be included in determination of need for new stations.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6225 HOSPICE NEED DETERMINATION (REVIEW CATEGORY F)**

It is determined that there is no need for additional Hospices.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6226 HOSPICE INPATIENT FACILITY BED NEED DETERMINATION (REVIEW CATEGORY F)**

(a) Single Counties. Single counties with a projected deficit of six or more beds are determined to have a bed need equal to the projected deficit. It is determined that there is no need for additional single county hospice inpatient facility beds.

(b) Contiguous Counties. It is determined that any combination of two or more contiguous counties taken from the following list shall have a need for new hospice inpatient facility beds if the combined bed deficit for the grouping of contiguous counties totals six or more beds. Each county in a grouping of contiguous counties must have a deficit of at least one and no more than five beds. The need for the grouping of contiguous counties shall be the sum of the deficits in the individual counties. For purposes of this Rule, "contiguous counties" shall mean a grouping of North Carolina counties which includes the county in which the new hospice inpatient facility is proposed to be located and any one or more of the North Carolina counties which have a common border with that county, even if the borders only touch at one point. No county may be included in a grouping of contiguous counties unless it is listed in the following table:

County	Hospice Inpatient Bed Deficit
Mitchell	1
Haywood	1
Jackson	1
Rutherford	2
Watauga	1
McDowell	1
Wilkes	1

<u>Yadkin</u>	<u>1</u>
<u>Yancey</u>	<u>1</u>
<u>Alamance</u>	<u>2</u>
<u>Davidson</u>	<u>2</u>
<u>Randolph</u>	<u>3</u>
<u>Rockingham</u>	<u>2</u>
<u>Surry</u>	<u>2</u>
<u>Cabarrus</u>	<u>2</u>
<u>Gaston</u>	<u>3</u>
<u>Iredell</u>	<u>1</u>
<u>Lincoln</u>	<u>1</u>
<u>Mecklenburg</u>	<u>2</u>
<u>Rowan</u>	<u>1</u>
<u>Stanly</u>	<u>1</u>
<u>Union</u>	<u>2</u>
<u>Anson</u>	<u>1</u>
<u>Durham</u>	<u>3</u>
<u>Johnston</u>	<u>1</u>
<u>Bladen</u>	<u>1</u>
<u>Brunswick</u>	<u>2</u>
<u>Columbus</u>	<u>2</u>
<u>Cumberland</u>	<u>2</u>
<u>Moore</u>	<u>2</u>
<u>Richmond</u>	<u>3</u>
<u>Montgomery</u>	<u>1</u>
<u>Robeson</u>	<u>1</u>
<u>Scotland</u>	<u>1</u>
<u>Bertie</u>	<u>1</u>
<u>Carteret</u>	<u>1</u>
<u>Craven</u>	<u>1</u>
<u>Duplin</u>	<u>1</u>
<u>Edgecombe</u>	<u>1</u>
<u>Hertford</u>	<u>1</u>
<u>Nash</u>	<u>1</u>
<u>Halifax</u>	<u>1</u>
<u>Onslow</u>	<u>1</u>
<u>Pitt</u>	<u>1</u>
<u>Wilson</u>	<u>1</u>

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6227 PSYCHIATRIC BED NEED DETERMINATION (REVIEW CATEGORY C)**

It is determined that there is no need for additional psychiatric beds.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6228 CHEMICAL DEPENDENCY (SUBSTANCE ABUSE) TREATMENT BED NEED DETERMINATION (REVIEW CATEGORY C)**

(a) Adult Treatment Beds. It is determined that there is a need for 17 additional chemical dependency (substance abuse) treatment beds for adults in the Eastern Mental Health Planning Region. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for adults in any other mental health planning region.

(b) Adult Detox-Only Beds. It is determined that there is a need for additional detox-only beds for adults. The following table lists the mental health planning areas that need detox-only beds for adults and identifies the number of such beds needed in each planning area. It is determined that there is no need for additional detox-only beds for adults in any other mental health planning area.



<u>Mental Health Planning Areas</u> <u>Only</u> <u>(Constituent Counties)</u>	<u>Mental Health</u> <u>Planning Regions</u>	<u>Number of Detox-</u> <u>Beds Needed</u>
1 (Jackson, Haywood, Macon, Cherokee, Clay, Graham, Swain)	W	10
4 (Transylvania, Henderson)	W	10
5 (Caldwell, Burke, Alexander, McDowell)	W	10
6 (Rutherford, Polk)	W	10
11 (Rowan, Cabarrus, Stanly, Union)	W	10
14 (Rockingham)	NC	10
16 (Alamance, Caswell)	NC	6
17 (Orange, Person, Chatham)	NC	2
19 (Vance, Granville, Franklin, Warren)	NC	10
20 (Davidson)	SC	10
22 (Robeson, Bladen, Scotland, Columbus)	SC	5
25 (Johnston)	SC	7
26 (Wake)	SC	26
30 (Wayne)	E	4
31 (Wilson, Greene)	E	10
32 (Edgecombe, Nash)	E	6
33 (Halifax)	E	10
34 (Craven, Jones, Pamlico, Carteret)	E	10
35 (Lenoir)	E	10
37 (Hertford, Bertie, Gates, Northampton)	E	4
38 (Beaufort, Washington, Tyrrell, Hyde, Martin)	E	5
39 (Pasquotank, Chowan, Perquimans, Camden, Dare, Currituck)	E	10
40 (Duplin, Sampson)	E	10

(c) "Detox-only beds for adults" are chemical dependency treatment beds that are occupied exclusively by persons who are 18 years of age or older who are experiencing physiological withdrawal from the effects of alcohol or other drugs.

(d) Detox-only beds for adults may be developed outside of the mental health planning area in which they are needed if:

- (1) The beds are developed in a contiguous mental health planning area that is within the same mental health planning region, as defined by 10 NCAC 3R .6204(c); and
- (2) The program board in the planning area in which the beds are needed and the program board in the planning area in which the beds are to be developed each adopt a resolution supporting the development of the beds in the contiguous planning area.

(e) Child/Adolescent Treatment Beds. It is determined that there is no need for additional chemical dependency (substance abuse) treatment beds for children/adolescents.

(f) The county or counties which comprise each mental health planning area are listed in 10 NCAC 3R .6204(b).

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.

**.6229 INTERMEDIATE CARE BEDS FOR THE MENTALLY RETARDED NEED DETERMINATION (REVIEW CATEGORY C)**

(a) Adult Intermediate Care Beds for the Mentally Retarded. It is determined that the mental health planning areas listed in the following table need additional Adult Intermediate Care Beds for the Mentally Retarded ("ICF/MR beds"). The table identifies the number of new adult ICF/MR beds needed by each of the listed planning areas. It is determined that there is no need for new Adult ICF/MR facilities or for any additional ICF/MR beds in any other mental health planning areas, except as provided in Rule 10 NCAC 3R .6206(a)(8).

<u>Mental Health Planning Area (Constituent Counties)</u>	<u>Need</u> <u>Determination</u> <u>Adult</u>

8	(Gaston-Lincoln)	8
29	(Onslow)	8

(b) Child/Adolescent Intermediate Care Beds for the Mentally Retarded. It is determined that there is no need for additional Child/Adolescent Intermediate Care Beds for the Mentally Retarded (ICF/MR beds).

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6230 POLICIES FOR GENERAL ACUTE CARE HOSPITALS**

(a) Use of Licensed Bed Capacity Data for Planning Purposes. For planning purposes the number of licensed beds shall be determined by the Division of Facility Services in accordance with standards found in 10 NCAC 3C .6200 and .3102(d).

(b) Utilization of Acute Care Hospital Bed Capacity. Conversion of underutilized hospital space to other needed purposes shall be considered an alternative to new construction. Hospitals falling below utilization targets in Paragraph (e) of this Rule are assumed to have underutilized space. Any such hospital proposing new construction must clearly demonstrate that it is more cost-effective than conversion of existing space.

(c) Exemption from Plan Provisions for Certain Academic Medical Center Teaching Hospital Projects. Projects for which certificates of need are sought by academic medical center teaching hospitals may qualify for exemption from provisions of 10 NCAC 3R .6207 through .6229.

(1) The State Medical Facilities Planning Section shall designate as an Academic Medical Center Teaching Hospital any facility whose application for such designation demonstrates the following characteristics of the hospital:

- (A) Serves as a primary teaching site for a school of medicine and at least one other health professional school, providing undergraduate, graduate and postgraduate education.
- (B) Houses extensive basic medical science and clinical research programs, patients and equipment.
- (C) Serves the treatment needs of patients from a broad geographic area through multiple medical specialties.

(2) Exemption from the provisions of 10 NCAC 3R .6207 through .6229 shall be granted to projects submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990 which projects comply with one of the following conditions:

- (A) Necessary to complement a specified and approved expansion of the number or types of students, residents or faculty, as certified by the head of the relevant associated professional school; or
- (B) Necessary to accommodate patients, staff or equipment for a specified and approved expansion of research activities, as certified by the head of the entity sponsoring the research; or
- (C) Necessary to accommodate changes in requirements of specialty education accrediting bodies, as evidenced by copies of documents issued by such bodies.

(3) A project submitted by an Academic Medical Center Teaching Hospital under this Policy that meets one of the above conditions shall also demonstrate that the Academic Medical Center Teaching Hospital's teaching or research need for the proposed project cannot be achieved effectively at any non-Academic Medical Center Teaching Hospital provider which currently offers the service for which the exemption is requested and which is within 20 miles of the Academic Medical Center Teaching Hospital.

(4) Any service, facility or equipment that results from a project submitted under this Policy after January 1, 1999 shall be excluded from the inventory of that service, facility or equipment in the State Medical Facilities Plan.

(d) Reconversion to Acute Care. Facilities redistributing beds from acute care bed capacity to rehabilitation or psychiatric use shall obtain a certificate of need to convert this capacity back to acute care. Application for reconversion of acute care beds converted to psychiatry or rehabilitation back to acute care beds shall be evaluated against the hospital's utilization in relation to the target occupancies for acute care beds shown below, without regard to the acute care bed need determinations shown in 10 NCAC 3R .6207.

Licensed Bed Capacity	Percent Occupancy
1 - 49	65%
50 - 99	70%
100 - 199	75%
200 - 699	80%
700 +	81.5%

(e) Replacement of Acute Care Bed Capacity. The evaluation of proposals for either partial or total replacement of acute care beds (i.e., construction of new space for existing acute care beds) shall be evaluated against the utilization of the total number of acute care beds in the applicant's hospital in relation to the target occupancy of the total number of beds in that hospital which is determined as follows:

Total Licensed Acute Care Beds

Target Occupancy (Percent)

<u>1 - 49</u>	<u>65%</u>
<u>50 - 99</u>	<u>70%</u>
<u>100 - 199</u>	<u>75%</u>
<u>200 - 699</u>	<u>80%</u>
<u>700 +</u>	<u>81.5%</u>

(f) Allogeneic Bone Marrow Transplantation Services. Allogeneic bone marrow transplants shall be provided only in facilities having the capability of doing HLA matching and of management of patients having solid organ transplants. At their present stage of development it is determined that allogeneic bone marrow transplantation services shall be limited to Academic Medical Center Teaching Hospitals.

(g) Solid Organ Transplantation Services. Solid organ transplant services shall be limited to Academic Medical Center Teaching Hospitals at this stage of the development of this service.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6231 POLICIES FOR INPATIENT REHABILITATION SERVICES**

(a) After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings. All new inpatient rehabilitation programs are required to provide comprehensive outpatient rehabilitation services as part of their service delivery programs.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6232 POLICY FOR AMBULATORY SURGICAL FACILITIES**

After applying other required criteria, when superiority among two or more competing ambulatory surgical facility certificate of need applications is uncertain, favorable consideration shall be given to "multi-specialty programs" over "specialty programs" in areas where need is demonstrated in 10 NCAC 3R .6209. A multi-specialty ambulatory surgical program shall have the same meaning as defined in G.S. 131E-176(15a) and an ambulatory surgical facility shall have the same meaning as defined in G.S. 131E-176(1a).

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6233 POLICY FOR PROVISION OF HOSPITAL-BASED LONG-TERM NURSING CARE**

(a) A certificate of need may be issued to a hospital which is licensed under G.S. 131E, Article 5, and which meets the conditions set forth below and in 10 NCAC 3R .1100, to convert up to ten beds from its licensed acute care bed capacity for use as hospital-based long-term nursing care beds without regard to determinations of need in 10 NCAC 3R .6222 if the hospital:

(1) is located in a county which was designated as non-

metropolitan by the U.S. Office of Management and Budget on January 1, 1999; and

(2) on January 1, 1999, had a licensed acute care bed capacity of 150 beds or less.

The certificate of need shall remain in force as long as the Department of Health and Human Services determines that the hospital is meeting the conditions outlined in this Paragraph.

(b) "Hospital-based long-term nursing care" is defined as long-term nursing care provided to a patient who has been directly discharged from an acute care bed and cannot be immediately placed in a licensed nursing facility because of the unavailability of a bed appropriate for the individual's needs. Determination of the patient's need for hospital-based long-term nursing care shall be made in accordance with criteria and procedures for determining need for long-term nursing care administered by the Division of Medical Assistance and the Medicare program. Beds developed under this Paragraph are intended to provide placement for residents only when placement in other long-term care beds is unavailable in the geographic area. Hospitals which develop beds under this Paragraph shall discharge patients to other nursing facilities with available beds in the geographic area as soon as possible where appropriate and permissible under applicable law. Necessary documentation including copies of physician referral forms (FL 2) on all patients in hospital-based nursing units shall be made available for review upon request by duly authorized representatives of licensed nursing facilities.

(c) For purposes of this Paragraph, beds in hospital-based long-term nursing care shall be certified as a "distinct part" as defined by the Health Care Financing Administration. Beds in a "distinct part" shall be converted from the existing licensed bed capacity of the hospital and shall not be reconverted to any other category or type of bed without a certificate of need. An application for a certificate of need for reconverting beds to acute care shall be evaluated against the hospital's service needs utilizing target occupancies shown in 10 NCAC 3R .6230(d), without regard to the acute care bed need shown in 10 NCAC 3R .6207.

(d) A certificate of need issued for a hospital-based long-term nursing care unit shall remain in force as long as the following conditions are met:

(1) the beds shall be certified for participation in the Title XVIII (Medicare) and Title XIX (Medicaid)

Programs;

- (2) the hospital discharges residents to other nursing facilities in the geographic area with available beds when such discharge is appropriate and permissible under applicable law;
- (3) patients admitted shall have been acutely ill inpatients of an acute hospital or its satellites immediately preceding placement in the unit.

(e) The granting of beds for hospital-based long-term nursing care shall not allow a hospital to convert additional beds without first obtaining a certificate of need.

(f) Where any hospital, or the parent corporation or entity of such hospital, any subsidiary corporation or entity of such hospital, or any corporation or entity related to or affiliated with such hospital by common ownership, control or management:

- (1) applies for and receives a certificate of need for long-term care bed need determinations in 10 NCAC 3R .6222; or
- (2) currently has nursing home beds licensed as a part of the hospital under G.S. 131E, Article 5; or
- (3) currently operates long-term care beds under the Federal Swing Bed Program (P.L. 96-499),

such hospital shall not be eligible to apply for a certificate of need for hospital-based long-term care nursing beds under this Rule. Hospitals designated by the State of North Carolina as Critical Access Hospitals pursuant to Section 1820(f) of the Social Security Act, as amended, which have not been allocated long-term care beds under provisions of G.S. 131E-175 through 131E-190, may apply to develop beds under this Paragraph. However, such hospitals shall not develop long-term care beds both to meet needs determined in 10 NCAC 3R .6222 and this Paragraph.

(g) Beds certified as a "distinct part" under this Paragraph shall be counted in the inventory of existing long-term care beds and used in the calculation of unmet long-term care bed need for the general population of a planning area. Applications for certificates of need pursuant to this Paragraph shall be accepted only for the February 1 review cycle. Beds awarded under this Paragraph shall be deducted from need determinations for the county as shown in 10 NCAC 3R .6222. Continuation of this Rule shall be reviewed and approved by the Department of Health and Human Services annually. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1986 State Medical Facilities Plan are automatically amended to conform with the provisions of this Paragraph. The Department of Health and Human Services shall monitor this program and ensure that patients affected by this Paragraph are receiving appropriate services, and that conditions under which the certificate of need was granted are being met.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1999.*

**.6234 POLICY FOR NURSING CARE BEDS IN CONTINUING CARE FACILITIES**

- (a) Qualified continuing care facilities may include from the

outset, or add or convert bed capacity for long-term nursing care without regard to the bed need shown in 10 NCAC 3R .6222. To qualify for such exemption, applications for certificates of need shall show that the proposed long-term nursing bed capacity:

- (1) Will only be developed concurrently with, or subsequent to construction on the same site, of facilities for both of the following levels of care:

(A) independent living accommodations (apartments and homes) for persons who are able to carry out normal activities of daily living without assistance; such accommodations may be in the form of apartments, flats, houses, cottages, and rooms within a suitable structure;

(B) licensed adult care home beds for use by persons who, because of age or disability require some personal services, incidental medical services, and room and board to assure their safety and comfort.

- (2) Will be used exclusively to meet the needs of persons with whom the facility has continuing care contracts (in compliance with the Department of Insurance statutes and rules) who have lived in a non-nursing unit of the continuing care facility for a period of at least 30 days. Exceptions shall be allowed when one spouse or sibling is admitted to the nursing unit at the time the other spouse or sibling moves into a non-nursing unit, or when the medical condition requiring nursing care was not known to exist or be imminent when the individual became a party to the continuing care contract. Financial consideration paid by persons purchasing a continuing care contract shall be equitable between persons entering at the independent living and licensed adult care home levels of care.
- (3) Reflects the number of beds required to meet the current or projected needs of residents with whom the facility has an agreement to provide continuing care, after making use of all feasible alternatives to institutional nursing care.
- (4) Will not be certified for participation in the Medicaid program.

(b) One half of the long-term nursing beds developed under this exemption shall be excluded from the inventory used to project bed need for the general population. Certificates of need issued under policies analogous to this policy in State Medical Facilities Plans subsequent to the 1985 SMFP are automatically amended to conform with the provisions of this Paragraph. Certificates of need awarded pursuant to the provisions of Chapter 920, Session Laws 1983, or Chapter 445, Session Laws 1985 shall not be amended.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1999.*

**.6235 POLICY FOR DETERMINATION OF NEED FOR ADDITIONAL NURSING BEDS IN**

**SINGLE PROVIDER COUNTIES**

When a long-term care facility with fewer than 80 nursing care beds is the only nursing care facility within a county, it may apply for a certificate of need for additional nursing beds in order to bring the minimum number of beds available within the county to no more than 80 nursing beds without regard to the nursing bed need determination for that county as listed in 10 NCAC 3R .6222.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6236 POLICY FOR RELOCATION OF CERTAIN NURSING FACILITY BEDS**

A certificate of need to relocate existing licensed nursing facility beds to another county(ies) may be issued to a facility licensed as a nursing facility under G.S. 131E, Article 6, Part A, provided that the conditions set forth in this Paragraph and in 10 NCAC 3R .1100 and the review criteria in G.S. 131E-183(a) are met.

- (1) A facility applying for a certificate of need to relocate nursing facility beds shall demonstrate that:
  - (a) it is a non-profit nursing facility supported by and directly affiliated with a particular religion and that it is the only nursing facility in North Carolina supported by and affiliated with that religion;
  - (b) the primary purpose for the nursing facility's existence is to provide long-term care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;
  - (c) relocation of the nursing facility beds to one or more sites is necessary to more effectively provide long-term nursing care to followers of the specified religion in an environment which emphasizes religious customs, ceremonies, and practices;
  - (d) the nursing facility is expected to serve followers of the specified religion from a multi-county area; and
  - (e) the needs of the population presently served shall be met adequately pursuant to G.S. 131E-183.
- (2) Exemption from the provisions of 10 NCAC 3R .6222 shall be granted to a nursing facility for purposes of relocating existing licensed nursing beds to another county provided that it complies with all of the criteria listed in this Rule.
- (3) Any certificate of need issued under this Rule shall be subject to the following conditions:
  - (a) the nursing facility shall relocate beds in at least two stages over a period of at least six months; and
  - (b) the nursing facility shall provide a letter to the Medical Facilities Licensure Section, on or before the date that the first group of beds are

relocated, irrevocably committing the facility to relocate all of the nursing facility beds for which it has a certificate of need to relocate; and

- (c) subsequent to providing the letter to the Medical Facilities Licensure Section described in Subpart (3)(b) of this Rule, the nursing facility shall accept no new patients in the beds which are being relocated, except new patients who, prior to admission, indicate their desire to transfer to the facility's new location(s).

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6237 POLICY FOR HOME HEALTH SERVICES**

Need Determination Upon Termination of County's Sole Home Health Agency. When a home health agency's board of directors, or in the case of a public agency, the responsible public body, votes to discontinue the agency's provision of home health services; and

- (1) the agency is the only home health agency with an office physically located in the county; and
- (2) the agency is not being lawfully transferred to another entity;

need for a new home health agency office in the county is thereby established through this Rule. Following receipt of written notice of such decision from the home health agency's chief administrative officer, the Certificate of Need Section shall give public notice of the need for one home health agency office in the county, and the dates of the review of applications to meet the need. Such notice shall be given no less than 45 days prior to the final date for receipt of applications in a newspaper serving the county and to home health agencies located outside the county reporting serving county patients in the most recent licensure applications on file.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1999.*

**.6238 POLICY FOR END-STAGE RENAL DISEASE DIALYSIS SERVICES**

Relocation of Dialysis Stations. Relocations of existing dialysis stations are allowed only within the host county and to contiguous counties currently served by the facility. Certificate of need applicants proposing to relocate dialysis stations shall:

- (1) demonstrate that the proposal shall not result in a deficit in the number of dialysis stations in the county that would be losing stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report, and
- (2) demonstrate that the proposal shall not result in a surplus of dialysis stations in the county that would gain stations as a result of the proposed project, as reflected in the most recent Semiannual Dialysis Report.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

*Temporary Adoption Eff. January 1, 1999.*

**.6239 POLICIES FOR PSYCHIATRIC INPATIENT FACILITIES**

(a) Transfer of Beds from State Psychiatric Hospitals to Community Facilities. Beds in the State psychiatric hospitals used to serve short-term psychiatric patients may be relocated to community facilities. However, before beds are transferred out of the State psychiatric hospitals, appropriate services and programs shall be available in the community. State hospital beds which are relocated to community facilities shall be closed within 90 days following the date the transferred beds become operational in the community. Facilities proposing to operate transferred beds shall commit to serve the type of short-term patients normally placed at the State psychiatric hospitals. To help ensure that relocated beds will serve those persons who would have been served by the State psychiatric hospitals, a proposal to transfer beds from a State hospital shall include a written memorandum of agreement between the area MH/DD/SAS program serving the county where the beds are to be located, the Secretary of Health and Human Services, and the person submitting the proposal.

(b) Allocation of Psychiatric Beds. A hospital submitting a Certificate of Need application to add inpatient psychiatric beds shall convert excess licensed acute care beds to psychiatric beds. In determining excess licensed acute care beds, the hospital shall subtract the average occupancy rate for its licensed acute care beds over the previous 12-month period from the appropriate target occupancy rate for acute care beds listed in 10 NCAC 3R .6230(d) and multiply the difference by the number of its existing licensed acute care beds.

(c) Linkages Between Treatment Settings. An applicant applying for a certificate of need for psychiatric inpatient facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

*Temporary Adoption Eff. January 1, 1999.*

**.6240 POLICY FOR CHEMICAL DEPENDENCY TREATMENT FACILITIES**

Linkages Between Treatment Settings. An applicant applying for a certificate of need for chemical dependency treatment facility beds shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

*Temporary Adoption Eff. January 1, 1999.*

**.6241 POLICIES FOR INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED**

Linkages Between Treatment Settings. An applicant applying

for a certificate of need for intermediate care facility beds for mentally retarded shall document that the affected area mental health, developmental disabilities and substance abuse authorities have been contacted and invited to comment on the proposed services.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);

*Temporary Adoption Eff. January 1, 1999.*

**TITLE 18 - SECRETARY OF STATE**

**Rule-making Agency:** Securities Division

**Rule Citation:** 18 NCAC 06.1212, .1304, .1502

**Effective Date:** December 22, 1998

**Findings Reviewed by Julian Mann:** Approved

**Authority for the rule-making:** G.S. 78A-49

**Reason for Proposed Action:** The changes to N.C.G.S. Sections 78A-28, -30, and -31 that become effective Jan. 1, 1999 will make two broad changes to our fee schedule. First, flat filing fees of \$2000 will replace existing fees for both the registration of public offerings of securities and for notice filings by mutual funds. Second, the amended Section 78A-30 sets a graduated fee for fairness hearings, yet S.B. 1366 fails to delineate how this fee will be calculated.

**Comment Procedures:** Comments concerning this temporary rule may be addressed to Pamela V. Milward, 300 N. Salisbury Street, Suite 100, Raleigh, NC 27606, (919)733-0235 or David S. Massey, 300 N. Salisbury Street, Suite 100, Raleigh, NC 27606, (919) 733-3924.

**CHAPTER 18 - SECURITIES DIVISION**

**SECTION .1200 - EXEMPTIONS**

**.1212 NOTICE FILING PROCEDURES FOR OFFERINGS OF INVESTMENT COMPANY SECURITIES**

(a) In lieu of filing a copy of the federal registration statement, an investment company offering securities covered under Section 18(b)(2) of the Securities Act of 1933, as amended, may satisfy the notice filing requirement of G.S. 78A-31(a) by filing the fees required by that section, together with Form NF, Uniform Investment Company Notice Filing. This filing need not be made nor fees paid on any security issued by an investment company if such security is exempt pursuant to the provisions of G.S. 78A-16 or 78A-17.

(b) By filing Form NF, an investment company thereby agrees that, upon receipt of a request from the Securities Division, the investment company will promptly provide to the Division a



copy of its current prospectus and statement of additional information, if any, as filed with the Securities and Exchange Commission.

(c) By executing the Form NF, the investment company thereby agrees, that for purposes of complying with the laws of this State, such execution shall be deemed to be the consent of the investment company to have the Administrator irrevocably appointed as its agent in this State upon whom may be served any notice, process or pleading in any action or proceeding against it arising out of, or in connection with, the sale of securities covered by such Form NF or arising out of the violation of the securities laws of this State; and that any action or proceeding against the investment company may be commenced in any court of competent jurisdiction and proper venue within this State by service of process upon the Administrator with the same effect as if the investment company was organized or created under the laws of this State and had been served lawfully with process in this State. In the event any notice, process or pleading is served on the investment company through the Administrator, the Administrator shall promptly provide a copy of such notice, process, or pleading to the person indicated in Item 5 of Form NF.

(d) Upon filing Form NF and paying ~~either the minimum or maximum fees~~ fee required by G.S. 78A-31(a)(1), the securities of the investment company may be offered for sale and sold into, from, and within this State until the expiration of the notice filing period pursuant to G.S. 78A-31(a)(4). In order to offer or sell its securities after the expiration of its notice filing, the investment company must extend its notice filing as provided in subsection (f) (e) of this Rule. In the event that the Securities Division requests that the investment company provide it with a copy of the investment company's prospectus or statement of additional information, such request shall not restrict the ability of the investment company to offer its securities for sale in this State provided that the Division has received the Form NF and fees as required by G.S. 78A-31(a).

(e) Any investment company that elects to pay a fee less than the maximum fee as provided in G.S. 78A-31(a) shall file a sales report on Form NF, with the Division, within two months after the expiration of the notice filing period.

(f)(e) A notice filing may be renewed by the investment company by filing a current Form NF and paying such fees as are required by G.S. 78A-31(a) within two months after the expiration of the prior notice filing period. Each renewal of a notice filing shall expire on December 31.

(g) (f) Amendments to increase the amount of shares to be offered may be made by filing a revised Form NF, together with the fees required by G.S. 78A-31(a)(5).

*History Note: Authority G.S. 78A-31(a); 78A-49(a);  
Temporary Adoption Eff. October 1, 1997;  
Eff. August 1, 1998;  
Temporary Amendment Eff. January 1, 1999.*

## **SECTION .1300 - REGISTRATION OF SECURITIES**

### **.1304 SECURITIES REGISTRATION AND FILING**

## **FEES**

(a) All fees (~~registration and filing~~) are payable to the Office of the Secretary of State and shall be submitted with the application for original, renewal, or additional registration. ~~The registration fee shall be retained by the administrator, except where the registration is not granted by the administrator or where the registration is withdrawn at the request of the applicant and with the consent of the administrator.~~ The filing fee shall be retained by the administrator in all cases.

(b) The aggregate offering amount of an original or amended registration may be increased prior to or after the effectiveness of the registration by providing the administrator the following:

- (1) An additional registration filing fee of fifty dollars (\$50.00) if such filing occurs after the effective date of the offering; and
- ~~(2) The appropriate registration fee calculated in the manner specified in G.S. 78A-28(b), provided the maximum registration fee has not been paid; and~~
- ~~(3)~~(2) An amendment to the Uniform Application to Register Securities (Form U-1).

Additional registrations shall be effective when the administrator so orders.

*History Note: Authority G.S. 78A-28(b); 78A-28(j); 78A-31(a); 78A-49(a);  
Eff. April 1, 1981;  
Amended Eff. September 1, 1990; October 1, 1988; January 1, 1984; July 1, 1982;  
Temporary Amendment Eff. October 1, 1997;  
Amended Eff. August 1, 1998;  
Temporary Amendment Eff. January 1, 1999.*

## **SECTION .1500 - MISCELLANEOUS PROVISIONS**

### **.1502 APPLICATION TO EXCHANGE SECURITIES**

(a) The application and all accompanying documents shall be typed or printed and submitted to the administrator in duplicate. The application shall be signed and dated by the applicant or by a person authorized to act in the applicant's behalf.

(b) The application shall contain the following information:

- (1) the name, state of incorporation, and principal office address of any person proposing to issue securities or deliver other consideration in the proposed exchange.
- (2) a brief description of the proposed transaction.
- (3) a list and a description of the securities or other consideration to be issued or delivered in the proposed exchange.
- (4) a list and a description of the bona fide securities, claims or property interests for which the securities or other consideration referred to in (3) of this Rule are to be exchanged, including the name and state of incorporation of the issuer of any such bona fide securities.
- (5) a brief statement of the terms and conditions under which the securities or other consideration will be issued and exchanged or delivered and exchanged for the bona fide securities, claims or property interests.
- (6) a list of the names of all persons to whom the

securities will be issued or other consideration delivered in the exchange. If some or all of such persons are to receive the securities or other consideration by virtue of their ownership of shares of stock in a corporation, the applicant may comply with this requirement by submitting a list which shows the shareholders of the corporation and the number of shares held by each shareholder as of a date not more than 30 days prior to the filing of the application.

- (7) a statement setting forth proposed findings of fact which the applicant requests that the administrator find and incorporate in the written decision with respect to the application.
- (8) the date, which shall be within 30 days of the date of filing of the application, on which the applicant requests that the hearing be held.
- (9) any additional information which the applicant desires the administrator to consider. The administrator may require the applicant to submit other information in addition to the information required by this Rule. The administrator may also waive or modify the requirements of this Rule by allowing the applicant to submit less information than this Rule would otherwise require.

(c) The application shall be accompanied by the following documents:

- (1) any written agreement governing the proposed transaction.
- (2) a copy of the notice of the hearing which the applicant will mail to all persons to whom the applicant proposes to issue securities or to deliver other consideration in the proposed transaction.
- (3) an audited balance sheet, prepared in accordance with generally accepted accounting principles, as of the close of the most recent fiscal year of any corporation whose securities will be issued or exchanged in the proposed transaction.
- (4) an audited income statement, prepared in accordance with generally accepted accounting principles, for the most recent fiscal year of any corporation whose securities will be issued or exchanged in the proposed transaction.
- (5) any other documents which the applicant desires the administrator to consider. The administrator may require the applicant to submit other documents in addition to the documents required by this Rule. The administrator may also waive or modify the requirements of this Rule by allowing the applicant to submit fewer documents other than those which this Rule would otherwise require.

- (6) A written undertaking to pay, upon receipt of an invoice from the administrator, the fee required by G.S. 78A-30(g) and Subparagraph (d)(4) of this Rule.

(d) The procedure following application shall be as follows:

- (1) The administrator shall inform the applicant of any deficiencies in the application or of any additional information or documents required and may require the applicant to amend or resubmit the application to

comply with the provisions of G.S. 78A-30 or the rules adopted pursuant thereto prior to setting a date for the hearing.

- (2) Upon the filing of an application complying with the provisions of G.S. 78A-30 and the rules adopted pursuant thereto, the administrator shall inform the applicant of the date, hour and place of the hearing which shall be within 30 days after the filing of the application.
- (3) The applicant shall mail by United States Mail, Postage Prepaid, notice of such hearing to all persons to whom it is proposed to issue securities or to deliver such other consideration in such exchange, not less than 10 days prior to such hearing. The applicant shall provide to the administrator, on or before the date of the hearing, a certification that the notice of hearing has been so mailed.
- (4) Following the conclusion of the hearing, the Administrator shall transmit to the applicant an invoice for the fees required by G.S. 78A-30(g). These fees shall be calculated based upon the hours involved in the examination of the application, the conduct of the hearing, and the preparation of any written response, as follows:

(A) For the Hearing Officer, the amount of two hundred dollars (\$200.00) per hour.

(B) For each Assistant to the Hearing Officer, the amount of one hundred dollars (\$100.00) per hour.

But in any event the fee shall be not less than five hundred dollars (\$500.00) nor more than five thousand (\$5000.00) per fairness hearing.

*History Note: Authority G.S. 78A-30;*

*Eff. April 1, 1981;*

*Temporary Amendment Eff. January 1, 1999.*

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**Rule-making Agency:** *Notice is hereby given in accordance with G.S. 66-58.10(b) and G.S. 150B-21.1(a2) that the Secretary of State intends to adopt temporary rules to implement to provisions of the North Carolina Electronic Commerce Act, Article 11A of Chapter 66 of the North Carolina General Statutes.*

*A public hearing for the purpose of receiving comments regarding proposed administrative rules under the North Carolina Electronic Commerce Act will be held on Tuesday, January 19, 1999, beginning at 9:00 a.m. The hearing will be in the auditorium of MCNC, located at 3021 Cornwallis Road, Research Triangle Park, NC. Directions to MCNC may be obtained by calling 919-248-1800. To help with scheduling, persons interested in speaking at the hearing are requested to contact Deputy Secretary of State Scott Templeton as soon as possible in advance of the hearing. Mr. Templeton can be contacted at: stemplet@mail.secstate.state.nc.us (preferred method) or at 919-733-5163.*



**Rule Citation:** 18 NCAC 10 .0101, .0201, .0301-.0305, .0401-.0402, .0501

**Authority for the rule-making:** G.S. 66-58.10

**Reason for Proposed Action:** *The purpose of these temporary rules is to enable administration of the Electronic Commerce Act, G.S. 66-58.10 et seq.. Publication of the proposed temporary rules and a public hearing is required at least 30 days prior to adoption of the rule pursuant to G.S. 150B-21.1(a2).*

**Comment Procedures:** *Persons interested in these rules may participate in the Secretary of State's Internet-linked rulemaking project. This site is accessible from the Department's homepage at [www.state.nc.us/secstate](http://www.state.nc.us/secstate). Oral and written comments may also be submitted to Scott Templeton, Deputy Secretary of State, North Carolina Department of the Secretary of State, PO Box 29622, Raleigh, NC 27626-0525, phone (919) 733-5150.*

## CHAPTER 10 – ELECTRONIC COMMERCE SECTION

### SECTION .0100 – GENERAL ADMINISTRATION

#### .0101 HOW TO CONTACT THE ELECTRONIC COMMERCE SECTION

The North Carolina Department of the Secretary of State administers the Electronic Commerce Act. The Secretary of State has designated the Electronic Commerce Section to administer the Act. The Electronic Commerce Section may be contacted by the following means:

- (1) Electronic mail messages (email) are welcome, and are frequently the most efficient means of communicating with the Electronic Commerce Section. Email may be sent to: [bgarner@mail.secstate.state.nc.us](mailto:bgarner@mail.secstate.state.nc.us) or [stempleton@mail.secstate.state.nc.us](mailto:stempleton@mail.secstate.state.nc.us).
- (2) Regular mail may be sent to the Electronic Commerce Section at the following address: Electronic Commerce Section, Department of the Secretary of State, Post Office Box 29622, Raleigh, NC 27626-0525.
- (3) Up-to-date telephone and email information regarding the Electronic Commerce Section are contained on the Department of the Secretary of State's webpage at [www.state.nc.us/secstate](http://www.state.nc.us/secstate).

Suggestions regarding program administration are welcome. Suggestions for improving electronic commerce in North Carolina, these Rules, the Electronic Commerce Section, and the Electronic Commerce Act are always welcome. Suggestions may be sent to the Electronic Commerce Section at the addresses given in this Rule.

Authority G.S. 66-58.10.

### SECTION .0200 – DEFINITIONS

#### .0201 APPLICABLE DEFINITIONS

In addition to the definitions in the Electronic Commerce Act, Article 11A of G.S. 66 (G.S. 66-58.1 et seq.), the following apply in these Rules:

- (1) "Asymmetric Cryptosystem" means a computer-based system that employs two different but mathematically related keys with the following characteristics:
  - (a) one key (called a private key) encrypts a given message;
  - (b) one key (called a public key) decrypts a given message; and
  - (c) the keys have the property that, knowing one key, it is computationally infeasible to discover the other key.
- (2) "Certificate" means a message which:
  - (a) identifies the certification authority issuing it;
  - (b) names or identifies its subscriber;
  - (c) contains the subscriber's public key;
  - (d) identifies its operational period;
  - (e) is digitally signed by the certification authority issuing it; and
  - (f) conforms to the ITU/ISO X.509 Version 3 standards.
- (3) "Certification Practice Statement" means documentation of the practices, procedures and controls employed by a certification authority.
- (4) "ITU/ISO X.509 Version 3 standards" means version three of the X.509 standards promulgated by the International Telecommunications Union and the International Standards Organization.
- (5) "Key Pair" means a private key and its corresponding public key in an asymmetric cryptosystem. The keys have the property that the public key can verify a digital signature that the private key creates.
- (6) "Private Key" means the key of a key pair used to create a digital signature.
- (7) "Public Key" means the key of a key pair used to verify a digital signature.
- (8) "Public Key Cryptography" means a type of cryptographic technology that employs an asymmetric cryptosystem.

Authority G.S. 66-58.10(a)(1).

### SECTION .0300 – LICENSING STANDARDS AND CERTIFICATION AUTHORITY TECHNOLOGIES

#### .0301 LICENSING STANDARDS

- (a) To be considered for licensure, a certification authority may utilize certificate-based public key cryptography.
- (b) Any applicant seeking licensure must demonstrate compliance with the ITU/ISO X.509 Version 3 standards in its Certification Practice Statement.
- (c) To request licensure, a certification authority shall provide the Electronic Commerce Section with a copy of its current Certification Practice Statement. The certification authority shall also submit an unqualified performance audit performed by

a Certified Public Accountant, in accordance with standards set in the American Institute of Certified Public Accountants (AICPA) Statement on Auditing Standards No. 70 (SAS 70) "Reports on the Processing of Service Transactions by Service Organizations" (1992), to evidence that the certification authority's practices and policies are consistent with the requirements of the certification authority's Certification Practice Statement and the requirements of these Rules.

- (1) In order to be licensed, a certification authority that has been in operation for one year or less shall undergo a SAS 70 Type One audit - A Report of Policies and Procedures Placed in Operation, receiving an unqualified opinion.
- (2) In order to be licensed, a certification authority that has been in operation for longer than one year shall undergo a SAS 70 Type Two audit - A Report of Policies and Procedures Placed in Operation and Test of Operating Effectiveness, receiving an unqualified opinion.

Authority G.S. 66-58.10(a)(2).

#### **.0302 LICENSING STANDARDS - BIOMETRICS (RESERVED)**

Authority G.S. 66-58.10(a)(2).

#### **.0303 LICENSING STANDARDS - SIGNATURE DYNAMICS (RESERVED)**

Authority G.S. 66-58.10(a)(2).

#### **.0304 ALTERNATE TECHNOLOGIES**

(a) Any person may petition the Electronic Commerce Section to consider a technology not currently recognized under these Rules. Such petition shall be in the form of a written request that includes:

- (1) a detailed explanation of a proposed technology;
- (2) a discussion of how the technology complies with the substantive intent of the Electronic Commerce Act;
- (3) model rules for integrating the technology into these Rules.

(b) The Electronic Commerce Section has 180 days from the date of the petition to review the petition and either accept or reject it. If the Electronic Commerce Section does not approve the request within 180 days, the petitioner's request shall be considered denied.

(c) If the Electronic Commerce Section determines that the technology is acceptable for use under the Electronic Commerce Act, it shall incorporate the technology into these Rules pursuant to G.S. 150B-21.1(a2).

(d) If the proposed technology is rejected, the Electronic Commerce Section shall notify the petitioner in writing. The petitioner may contest that agency decision pursuant to the contested case provisions of G.S. 150B.

Authority G.S. 66-58.10(a)(2).

#### **.0305 LICENSING FEES, BONDING AND RENEWAL**

(a) A certification authority shall pay an initial licensing fee in the sum of two thousand dollars (\$2000).

(b) A certification authority shall obtain a bond issued by a surety company authorized to do business in this State. A copy of the bond required by this Rule shall be filed with the Electronic Commerce Section prior to licensure. The amount of the bond shall be a minimum of one hundred thousand dollars (\$100,000) and shall be in favor of the State of North Carolina for any penalties assessed by the Electronic Commerce Section pursuant to these Rules and for the benefit of any person who may have a cause of action against the certification authority for any losses resulting from the certification authority's conduct of any and all activities subject to the Electronic Commerce Act or arising out of a violation of the Electronic Commerce act or any rule promulgated thereunder.

(c) A license issued by the Electronic Commerce Section pursuant to this Rule shall expire one year after its effective date unless timely renewed.

(d) A licensee seeking renewal shall meet the conditions for initial licensure set forth above, except that the certification authority shall undergo a SAS 70 Type Two audit - a Report of Policies and Procedures Placed in Operation and Test of Operating Effectiveness, receiving an unqualified opinion. Request for license renewal shall be made not less than 30 days prior to expiration of the current license. An application for licensure renewal by a licensed certification authority shall be accompanied by a renewal fee of two thousand dollars (\$2000).

Authority G.S. 66-58.3; 66-58.10.

### **SECTION .0400 - SANCTIONS AND ENFORCEMENT**

#### **.0401 CIVIL SANCTIONS**

(a) If upon investigation, the Electronic Commerce Section finds that a certification authority has violated any provision of the Electronic Commerce Act or these Rules, or finds that the certification authority has had a license revoked or suspended in any other jurisdiction, the Electronic Commerce Section may revoke or suspend any license issued under the Electronic Commerce Act and these Rules. The revocation or suspension may be in addition to any civil monetary penalty issued against the certification authority.

(b) If upon investigation, the Electronic Commerce Section finds that a certification authority has violated any provision of the Electronic Commerce Act or these Rules, the Electronic Commerce Section may assess a civil monetary penalty of not more than five thousand dollars (\$5,000) for each violation. The civil monetary penalty may be in addition to any revocation or suspension of the certification authority's license.

(c) Adjustment factors. In determining the length of any suspension or amount of any civil monetary penalty, the Secretary shall consider:

- (1) The organizational size of the certification authority cited for violating the provisions of the Electronic Commerce Act;
- (2) The good faith of the certification authority cited, including but not limited to any procedures or

processes implemented by the violator to prevent the violation from recurring;

- (3) The gravity of the violation;
- (4) The prior record of the violator in complying or failing to comply with the Electronic Commerce Act or these Rules; and
- (5) The risk of harm caused by the violation.

(d) Continuing Violations. After the receipt of notice of a violation, if any certification authority willfully continues to violate by action or inaction the Electronic Commerce Act or these Rules, each day the violation continues or is repeated may be considered a separate violation.

(e) Civil Sanction Notification. When the Electronic Commerce Section determines that a civil sanction should be assessed, the Electronic Commerce Section shall notify the certification authority by certified mail of the following:

- (1) The nature of the violation;
- (2) The civil sanction imposed;
- (3) That the civil sanction will become final unless within 15 days after receiving notice of the violation the certification authority either:
  - (A) takes exception to the civil sanction assessment by filing a contested case petition with the Office of Administrative Hearings; or
  - (B) submits a written request for the reduction of the sanction; and
- (4) The procedure for taking exception to the violation or seeking the reduction of the sanction.

(f) Civil Sanction Finality. The certification authority must file a contested case petition pursuant to G.S. 150B-23 or submit a written request for the reduction of the sanction within 15 days of receipt of the notice of the civil sanction assessment or the assessment will become final.

(g) Request for Reduction of Civil Sanction.

- (1) Any request for reduction of a civil sanction shall be submitted to the Electronic Commerce Section in writing and must include a written statement supporting the reduction request. Requests for reduction of a sanction are solely for the purpose of allowing the certification authority to contest the reasonableness of the civil sanction. The certification authority should not attempt to contest facts or raise questions of law in the request for reduction of the sanction.
- (2) The Electronic Commerce Section shall determine if the assessed sanction is to be reduced pursuant to a reduction request and shall notify the certification authority of its decision in writing.
- (3) If the Electronic Commerce Section determines that the reduction request raises issues of fact or questions of law, the Electronic Commerce Section may refuse to consider the reduction request, and shall notify the certification authority by certified or registered mail that it must file a contested case petition with the Office of Administrative Hearings in order to preserve its claim. The certification authority must file a contested case petition with the Office of Administrative Hearings within 15 days of receipt of

notice or the sanction assessed shall be final.

- (4) If the reduction request does not raise issues of fact or questions of law, the Electronic Commerce Section shall determine if the assessed sanction is to be reduced, and shall notify the certification authority of its decision in writing by certified or registered mail. In the event the Electronic Commerce Section denies the reduction request, or grants the reduction request in an amount believed to be unreasonable by the certification authority, the certification authority must file a contested case petition with the Office of Administrative Hearings within 15 days of receipt of notice of the Electronic Commerce Section's decision, or the decision shall become the final decision.

(h) Payment. Any civil monetary penalty shall be due within 60 days of the date of the initial assessment of the penalty, except that if the certification authority files a contested case petition pursuant to G.S. 150B-23 or submits a written request for reduction of the penalty, the penalty shall be due within 60 days of the date of the final decision. The penalty shall be paid with cash or certified funds by personal delivery or certified mail to the Electronic Commerce Section. In the event the certification authority fails to pay the penalty assessed within the time periods set forth in this Rule, the Electronic Commerce Section may collect the amount of the penalty from the bond required by these Rules.

*Authority G.S. 66-58.6; 66-58.10.*

## **.0402 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF**

The Department of the Secretary of State shall have the authority to pursue criminal penalties for violations of the Electronic Commerce Act, pursuant to G.S. 66-58.8, or injunctive relief, as allowed under G.S. 66-58.6.

*Authority G.S. 66-58.6; 66-58.8; 66-58.10.*

## **SECTION .0500 – RECIPROCITY**

### **.0501 RECIPROCAL AGREEMENTS AND LICENSURE BY RECIPROCITY**

(a) The Electronic Commerce Section may enter into reciprocal licensing agreements with other jurisdictions that have adopted electronic commerce laws similar to the Electronic Commerce Act.

(b) Certification authorities licensed by other jurisdictions may seek licensure by reciprocity with the North Carolina Electronic Commerce Section, provided that the jurisdiction in which the certification authority is already licensed has a reciprocal agreement in effect with the Electronic Commerce Section.

(c) To seek reciprocal licensure in North Carolina, certification authorities that have been licensed by other jurisdictions with which the Electronic Commerce Section has entered reciprocal agreements must do the following:

- (1) Pay the licensing fee as described in these Rules;
- (2) Furnish the Electronic Commerce Section with

evidence of licensure in good standing from the other licensing jurisdiction;

- (3) Provide the Electronic Commerce Section with a full copy of the licensing application that led to the certification authority becoming licensed in the reciprocal jurisdiction, including any amendments thereto;
- (4) Provide information on any disciplinary action or criminal proceeding arising from or related to the certification authority's license or activities as a certification authority;
- (5) Provide a complete history of licensure in other jurisdictions, whether continuous or disrupted, and if disrupted the length of the disruption and basis therefore; and
- (6) Submit any additional information as required by the Electronic Commerce Section.

(d) The Electronic Commerce Section shall have the power to impose civil sanction against a reciprocal licensee on the same basis that the Electronic Commerce Section can impose civil sanction against a certification authority license otherwise issued, or upon finding that the certification authority has had a license revoked or suspended in another jurisdiction.

(e) Any certification authority that obtains a reciprocal license under these Rules shall be obligated to inform the Electronic Commerce Section in writing of any civil or criminal proceeding that arises from or relates to the certification authority's license or any disciplinary action commenced against the certification authority in any other jurisdiction within 10 days of notice of the proceeding or action.

Authority G.S. 66-58.3; 66-58.6; 66-58.7; 66-58.8; 66-58.10; 66-58.11.

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS

### CHAPTER 14 - BOARD OF COSMETIC ART EXAMINERS

**Rule-making Agency:** *N.C. State Board of Cosmetic Art Examiners*

**Rule Citation:** *21 NCAC 14A .0101, .0105; 14G .0103; 14I .0107; 14J .0103; 14K .0102, .0107; 14L .0105, .0109, .0216; 14N .0103-.0104, .0110, .0113, .0601-.0602, .0701-.0702; 14O .0101-.0107; 14P .0101-.0116*

**Effective Date:** *January 1, 1999*

**Findings Reviewed and Approved by:** *Beecher R. Gray*

**Authority for the rule-making:** *G.S. 88B*

**Reason for Proposed Action:** *These changes are a result of the ratification of Senate Bill 916 which affects the Rules governing the licensing of Estheticians, Manicurists, and civil*

*penalties.*

**Comment Procedures:** *Written comments concerning this rule making action must be submitted to Dee Williams, Rule-Making Coordinator, N.C. State Board of Cosmetic Art Examiners, 1201-110 Front Street, Raleigh, NC 27609.*

## SUBCHAPTER 14A - DEPARTMENTAL RULES

### SECTION .0100 - ORGANIZATIONAL RULES

#### .0101 DEFINITIONS

The following definitions apply in this Chapter:

- (1) "Beauty Establishment" refers to both cosmetic art schools and cosmetic art shops.
- (2) "Board" refers to the North Carolina State Board of Cosmetic Art Examiners.
- (3) "Cosmetic Art School" refers to any place where cosmetic art, as defined by G.S. 88B-2, or methods of teaching cosmetic art are taught for purposes of licensing by the Board regardless of the title of the school or program.
- (4) "Cosmetic Art Shop" refers to any building, or part thereof, wherein cosmetic art, as defined by G.S. 88B-2, is practiced, other than a cosmetic art school.
- (5) "Cosmetology School" is any cosmetic art school which teaches cosmetology as defined by G.S. 88B-2, but is not a manicurist school.
- (6) "Cosmetology Student" is a student in any cosmetic art school with the exception of a manicurist student.
- (7) "Cosmetology Teacher" is any teacher who is licensed by the Board to teach the cosmetic arts.
- (8) "Manicuring" is that set of cosmetic arts related to the nails, hands, arms and feet. It includes traditional manicuring, pedicuring, arm and hand massages, and all types of artificial nails.
- (9) "Manicurist School" is a cosmetic art school which teaches only the cosmetic arts of manicuring.
- (10) "Manicurist Student" is a student in any cosmetic art school whose study is limited to the manicurist curriculum set forth in 21 NCAC 14K .0102.
- (11) "Manicurist Teacher" is a teacher who is licensed by the Board to teach only the manicuring curriculum.
- (12) "Booth" is a work station within a cosmetic art shop which is used primarily by one cosmetologist or manicurist in performing cosmetic art services for their clientele.
- (13) "Esthetician School" is any cosmetic art school which teaches only the cosmetic arts of skin care.
- (14) "Esthetician Student" is a student in any cosmetic art school whose study is limited to the esthetician curriculum set forth in 21 NCAC 14O .0102.
- (15) "Esthetician Teacher" is a teacher who is licensed by the Board to teach only the esthetician curriculum.

**History Note:** *Authority G.S. 88B-2;*

*Eff. February 1, 1976;*

*Amended Eff. June 1, 1993; October 1, 1991; May 1, 1991;*

January 1, 1989;

Temporary Amendment Eff. January 1, 1999.

**.0105 PURPOSE AND RESPONSIBILITY**

The purpose and responsibilities of the board are as follows:

- (1) to examine individuals to determine if they meet the qualifications necessary to receive a certificate of registration as an apprentice, a cosmetologist, an esthetician, a manicurist, or a cosmetology teacher, manicurist teacher, or an esthetician teacher;
- (2) to grant certificates by reciprocity to qualified cosmetologists, apprentices, manicurists, estheticians, and teachers from other states;
- (3) to regulate the practice of cosmetology;
- (4) to collect the statutory fees required for qualification as an apprentice, a cosmetologist, a manicurist, an esthetician, or a cosmetology teacher, a manicurist teacher, or an esthetician teacher, and to collect the statutory fees required to register a beauty salon;
- (5) to renew the certificates of every qualified registered apprentice, or manicurist or esthetician annually;
- (6) to renew the certificates of every qualified registered cosmetologist every three years;
- (7) to keep records of all proceedings relating to the registration of cosmetologists, apprentices, manicurists, estheticians, and cosmetology teacher, manicurist teacher, and esthetician teacher;
- (8) to determine if salons meet qualifications to receive a certificate of registration;
- (9) to determine if beauty salons meet qualifications to receive a certificate of approval;
- (10) to inspect beauty salons and cosmetology schools periodically; and
- (11) to hold annual seminars for apprentices, cosmetologists, estheticians, manicurists, cosmetology teachers, manicurist teachers and esthetician teachers and manicurists instruct these licensees in new techniques and new information on the chemistry of cosmetics.

*History Note:* Authority G.S. 88B-2; 88B-13; 88B-20; 88B-21;

*Eff. February 1, 1976;*

*Amended Eff. January 1, 1989; April 1, 1988;*

*Temporary Amendment Eff. January 1, 1999.*

**SUBCHAPTER 14G - REQUIREMENTS FOR THE ESTABLISHMENT OF COSMETIC ART SCHOOLS**

**.0103 SPACE REQUIREMENTS**

(a) The Cosmetic Art Board will issue letters of approval only to cosmetology schools that have at least 2800 square feet of inside floor space for 20 stations or 4200 square feet of inside floor space for 30 stations located within the same building. An additional 140 square feet of floor space will be required for each station above 20 stations, up to and including a total of 30 stations. Thereafter, an additional 40 square feet will be required for each station in excess of 30 stations. For purpose of this

Rule, the day and night classes shall be counted as separate enrollments. As an exception, a school may have a recitation room located in an adjacent building or another building within 500 feet of the main cosmetology building.

(b) In addition each cosmetology school must have no less than 20 hairdressing stations, arranged to accommodate not less than 20 students and arranged so that the course of study and training cosmetology, as prescribed by the Board, may be given. All stations must be numbered numerically.

(c) Cosmetology schools must also have a beginner department containing sufficient space to comfortably accommodate at least ten students and having at least 40 inches between mannequins.

(d) The Board will issue a letter of approval only to manicurist schools that have at least 1,000 square feet of inside floor space located within the same building.

(e) Manicurist schools with 1,000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided.

(f) In addition, manicurist schools must have ten manicurist tables and chairs a minimum of two feet apart, side to side, arranged to comfortably accommodate ten students.

(g) The Board will issue a letter of approval only to esthetician schools that have at least 1,500 square feet of inside floor space located within the same building.

(h) Esthetician schools with 1,500 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided.

*History Note:* Authority G.S. 88B-4;

*Eff. February 1, 1976;*

*Amended Eff. April 1, 1995; January 1, 1992; May 1, 1991; January 1, 1989;*

*Temporary Amendment Eff. January 1, 1999.*

**SUBCHAPTER 14I - OPERATIONS OF SCHOOLS OF COSMETIC ART**

**SECTION .0100 - RECORD KEEPING**

**.0107 REPORT OF ENROLLMENT**

(a) A cosmetic art school shall report cosmetology enrollments to the Board not later than 30 working days after a student enrolls in school. A cosmetic art school shall report manicurist enrollments to the Board not later than 15 working days after a student enrolls in school. If a student's enrollment is not reported within 30 working days for cosmetology and 15 working days for manicurist and estheticians, the cosmetic art school shall file a copy of the student's daily time records when it reports the student's enrollment.

(b) A student whose enrollment has not been properly reported to the Board will not be accepted for either the cosmetology examination or the manicurist and no hours will be credited.

(c) The North Carolina State Board of Cosmetic Art Examiners' Statement of Purpose for Cosmetic Art Education

shall be given to each student at the time of enrollment. An acknowledgment of receipt of this shall be signed by the student and kept by the cosmetic art school with the permanent records of the student.

*History Note: Authority G.S. 88B-4; 88B-9;  
Eff. February 1, 1976;  
Amended Eff. August 1, 1998; April 1, 1991; January 1, 1989;  
April 1, 1988;  
Temporary Amendment Eff. January 1, 1999.*

## **SUBCHAPTER 14J - COSMETOLOGY CURRICULUM**

### **SECTION .0100 - BEGINNERS' DEPARTMENT**

#### **.0103 TIME REQUIREMENTS ACCORDING TO HOURS**

(a) The maximum time a student can earn in a cosmetology school in any one day is eight clock hours. The maximum time a student can earn in a cosmetology school in any one week is 40 clock hours.

(b) Hours earned on one day cannot be credited to another day.

(c) Each student must complete 1200 hours in a cosmetology school before applying to the Board for the cosmetologist's examination, except those students enrolled for the manicurist or esthetician course only.

(d) Each student must spend 300 hours in the beginner department before entering the advanced department and may not work on members of the public during this 300 hours except shampoo and scalp manipulations.

(e) Hours earned in the beginner department must be devoted to scientific study and mannequin practice as outlined in 21 NCAC 14J .0104 and .0105.

(f) Manicuring practice in the beginner department must be done during the first 300 hours of instruction and shall be done on the students enrolled in the cosmetology school.

*History Note: Authority G.S. 88B-9;  
Eff. February 1, 1976;  
Amended Eff. February 1, 1995; January 1, 1989; April 1, 1988;  
Temporary Amendment Eff. January 1, 1999.*

## **SUBCHAPTER 14K - MANICURIST CURRICULUM**

#### **.0102 COURSE OF STUDY**

(a) Pursuant to G.S.—88-30-1 88-10, an applicant for registration as a manicurist must have completed 450 300 hours in classes in a cosmetic art school approved by the Board.

(b) The 450 300 hours in classes must include at least 430 260 hours of "classroom work" as described in Paragraph d and at least 20 40 hours of supervised "live model performances" as set forth in 21 NCAC 14K .0007(a) .0107(a).

(c) The following amount of classroom work is required by the Board before taking the manicurist examination:

- (1) 45 30 hours in manicuring, including trimming, filing, shaping, decorating, and arm and hand massage;
- (2) 70 140 hours in sculptured and other artificial nails;

- (3) 5 10 hours in pedicuring;
- (4) 40 20 hours in theory and salesmanship as it relates to manicuring;
- (5) 45 30 hours in the procedures and methods of sanitation, including the study of the Federal Environmental Protection Agency's disinfectant guidelines and the recommendations on the Material Safety Data Sheets prepared by the manufactures on all products used by the school's students in the live model performance set forth in 21 NCAC 14 K .0007(a) .0107(a).
- (6) 45 30 hours in the study of bacteriology including communicable diseases and the requirements of The Pure Food and Drug Law for creams and lotions.

(d) Classroom work includes lectures on the subject as well as demonstrations, questions and answers on textbooks, written examinations, and in-class practice of procedures and methods but not live model performances as described by 21 NCAC 14K .0007(b) .0107(b).

*History Note: Authority G.S. 88B-4; 88B-10;  
Eff. February 1, 1976;  
Amended Eff. December 1, 1990; January 1, 1989; April 1, 1988;  
Temporary Amendment Eff. January 1, 1999.*

#### **.0107 LIVE MODEL PERFORMANCES**

(a) In completing the 20 40 hours of live model performances required by 21 NCAC 14k .0002(b) .0102(b), all manicurist students shall complete the following minimum number of live model performances during the manicurist course under the supervision of a registered cosmetic art teacher before taking the manicurist examination:

- (1) 30 15 manicures, including trimming, filing, and shaping; decorating; and arm and hand massage;
- (2) 25 100 applications or repair of sculptured or other artificial nails; and
- (3) 2 4 pedicures.

(b) No manicurist student may perform any live model performances until he or she has completed 16 hours of classroom work, as defined in 21 NCAC 14K .0002(d) .0102(d), including at least four hours of bacteriology and four hours of the procedures and methods of sanitation.

(c) Live model performances are the rendering of the required service on a live person other than himself or herself. They do not include performing the service on a mannequin.

*History Note: Authority G.S. 88B-4; 88B-10;  
Eff. July 1, 1990;  
Amended Eff. April 1, 1991; December 1, 1990;  
Temporary Amendment Eff. January 1, 1999.*

## **SUBCHAPTER 14L - COSMETIC ART TEACHERS**

### **SECTION .0100 - TEACHER QUALIFICATIONS AND EXAMINATIONS**

#### **.0105 QUALIFICATIONS - MANICURIST**



**TEACHERS**

- (a) To be a manicurist teacher, an applicant must:
- (1) have a high school diploma or a high school graduation equivalency certificate;
  - (2) be a registered manicurist or cosmetologist in this State;
  - (3) have either:
    - (A) practiced manicuring in a cosmetic art shop for a period equivalent to five two years of full-time work; or
    - (B) completed a 320-hour teacher as training course in manicuring in an approved cosmetic art school; and
    - (C) pass the manicurist teacher's examination.

Applicants who are registered manicurists in good standing in this State and who were regularly employed in a school in this State as a teacher of manicuring before January 1, 1991, may substitute the equivalent of three years of full-time teaching in lieu of the requirements of Paragraph (a)(3) of this Rule if they apply for a license as a manicurist teacher on or before January 1, 1993.

*History Note: Authority G.S. 88B-4; 88B-11;  
Eff. April 1, 1991;  
Amended Eff. August 3, 1992; March 2, 1992;  
Temporary Amendment Eff. January 1, 1999.*

**.0109 QUALIFICATIONS - ESTHETICIAN TEACHERS**

- To be an esthetician teacher, an applicant must:
- (1) have a high school diploma or a high school graduation equivalency certificate;
  - (2) be a registered esthetician or cosmetologist in this State;
  - (3) have either:
    - (a) practiced skin care in a cosmetic art shop for a period equivalent to three years of full time work; or
    - (b) completed a 650 hour teacher training course in skin care in an approved cosmetic art school; and
    - (c) pass the esthetician teacher's examination.

*History Note: Authority G.S. 88B-4; 88B-11;  
Temporary Adopted Eff. January 1, 1999.*

**.0216 TEACHER TRAINING CURRICULUM**

(a) To meet the approval of the Board, a cosmetologist teacher training course must consist of at least 800 hours of instruction in theory and practical application, divided as follows:

- (1) One hundred fifty hours of instruction on methods of teaching and the laws governing cosmetology, to include the following topics:
  - (A) instruction in teaching techniques;
  - (B) instruction in preparing lesson plans;
  - (C) instruction in preparing class lectures and presentations;

- (D) instruction in preparing examinations; and
  - (E) G.S. 88 B and the Rules of the Board.
- (2) Six hundred fifty hours of practice teaching, to include the following:
- (A) conducting theory classes from prepared lesson plans;
  - (B) preparing and giving examinations; and
  - (C) giving practical demonstrations.

(b) To meet the approval of the Board, a manicurist teacher training course must consist of at least 320 hours of instruction in theory and practical application, divided as follows:

- (1) One hundred and fifteen hours of instruction on methods of teaching and the laws governing manicuring, to include the following topics:
  - (A) instruction in teaching techniques;
  - (B) instruction in preparing lesson plans;
  - (C) instruction in preparing class lectures and presentations;
  - (D) instruction in preparing examinations;
  - (E) instruction in chemical usage; and
  - (F) G.S. 88 B and the Rules of the Board.
- (2) Two hundred and five hours of practice teaching, to include the following:
  - (A) conducting theory classes from prepared lesson plans;
  - (B) preparing and giving examinations; and
  - (C) giving practical demonstrations.

(c) To meet the approval of the Board, a esthetician teacher training course must consist of at least 650 hours of instruction in theory and practical application, divided as follows:

- (1) One hundred and twenty hours of instruction on methods of teaching and the laws governing skin care to include the following topics:
  - (A) instruction in teaching techniques;
  - (B) instruction in preparing lesson plans;
  - (C) instruction in preparing class lectures and presentations;
  - (D) instruction in preparing examinations;
  - (E) instruction in chemical usage; and
  - (F) G.S. 88 B and the rules of the Board.
- (2) Five hundred and thirty hours of practice teaching, to include the following:
  - (A) conducting theory classes from prepared lesson plans;
  - (B) preparing and giving examinations; and
  - (C) giving practical demonstration.

*History Note: Authority G.S. 88B-4; 88B-11;  
Eff. April 1, 1991;  
Amended Eff. March 2, 1992;  
Temporary Amendment Eff. January 1, 1999.*

**SUBCHAPTER 14N - EXAMINATIONS**

**SECTION .0100 - GENERAL PROVISIONS**

- .0103 GENERAL EXAMINATION INSTRUCTIONS**  
All candidates scheduled for an examination are required to

bring:

- (1) their social security number.
- (2) a form of identification with a current picture.
- (3) a kit containing all supplies necessary to perform all services required by the examination.
- (4) a No. 2 pencil, and
- (5) the examination notification.

(b) Candidates for the cosmetologist examination shall bring either a live model or mannequin that conforms with applicable requirements set forth in 21 NCAC 14N.0104 and .0105.

(c) Candidates for the cosmetologist teacher examination shall bring either four live models or four mannequins that conform with the applicable requirements set forth in 21 NCAC 14N .0104 and .0105; however, each candidate must provide a live model for the manicurist portion of the examination. These live models or mannequins shall be suitable for demonstrating the full range of services required by the cosmetology curriculum.

(d) Candidates for the manicurist or manicurist teacher examination shall bring a live model.

(e) Candidates for the esthetician or esthetician teachers examination shall bring a live model.

~~(e)(f)~~ Candidates will not be accepted after roll call.

~~(f)(g)~~ No candidates will be allowed to bring book, calculators, papers, or reference materials of any kind into the testing room, except as provided in Paragraph ~~(e)~~ (c) of this Rule.

~~(g)(h)~~ Cosmetology teacher ~~and~~ manicurist teacher ~~and~~ esthetician teacher candidates may use visual aids, prepared in advance, during the practical examination. During the lesson planning part of the examination, only a text book brought by that candidate may be used.

*History Note: Authority 88B-4; 88B-7; 88B-9; 88B-10; 88B-11;*

*Eff. June 1, 1992;*

*Temporary Amendment Eff. January 1, 1999.*

#### **.0104 LIVE MODEL REQUIREMENTS**

(a) If a cosmetology teacher candidate has chosen to bring a live model for the examination, the model must:

- (1) be at least 18 years old;
- (2) submit to all cosmetic art services required by the examination, and
- (3) agree to a haircut of at least one to one and one-half inches during the examination. Hair must be of sufficient length to perform requirements after cutting. Prior to the examination, the model's hair must have already been shampooed, set and dried.

(b) A model brought by a candidate for the manicurist or manicurist teacher examination, pursuant to 21 NCAC 14N .0103(d) shall:

- (1) be at least 18 years old.
- (2) submit to all cosmetic art services required by examination.

(c) A model brought by a candidate for the esthetician or esthetician teachers examination pursuant to 21 NCAC 14N .0103(e) shall:

(1) be 18 years old.

(2) submit to all operations of esthetics.

~~(e)~~ (d) Cosmetic art school or shop owners, registered cosmetologists or apprentice cosmetologists, manicurists, estheticians, cosmetology, ~~or~~ manicurist, or esthetician, teachers, salon operators, and present or former cosmetology or manicurist students ~~except as provided in Rule .0105 (e) of this Section~~, may not sit as models.

~~(d)~~ (e) No model may sit for more than one candidate at one exam.

*History Note: Authority G.S. 88B-4; 88B-11;*

*Eff. June 1, 1992;*

*Temporary Amendment Eff. January 1, 1999.*

#### **.0110 PASSING GRADES FOR EXAMINATION**

Candidates will make the following grades on both the practical and theory sections of the examination:

- (1) For licensure as a registered cosmetologist, 75 percent;
- (2) For licensure as an apprentice cosmetologist, 70 percent;
- (3) for licensure as a cosmetology teacher, 85 percent;
- (4) For licensure as a manicurist teacher, 85 percent;
- (5) For licensure as a manicurist, 75 ~~percent~~ percent;
- (6) For licensure as a registered esthetician, 75 percent;  
and
- (7) For licensure as a esthetician teacher, 85 percent.

*History Note: Authority G.S. 88B-4; 88B-7(2); 88B-8(2); 88B-9(2); 88B-10(2); 88B-11(b)(3); 88B-11(c)(3); 88B-11(d)(3); Eff. June 1, 1992;*

*Temporary Amendment Eff. January 1, 1999.*

#### **.0113 RE-EXAMINATION**

(a) If, upon application for re-examination, the applicant has taken and passed one section of an examination, he or she shall apply for re-examination only on the section of the examination which he or she did not pass.

(b) Applicants for re-examination must apply for re-examination in writing and pay the appropriate examination fee.

(c) Notwithstanding any other provision of these Rules, pursuant to G.S. ~~88-14(4)~~, 88B-18, a cosmetology, manicurist, esthetician or apprentice candidate ~~or other candidate~~ who has failed either section of the examination ~~five~~ three times, is required to complete an additional 200 hours of study at an approved cosmetic art school before another application for re-examination may be accepted by the Board.

(d) Any candidate for the cosmetology teacher examination, ~~or~~ manicurist teacher examination, or esthetician teacher examination, who fails the examination twice, may request an examination review. The candidate must complete no less than 200 hours in a teacher training course designed to address the candidate's deficiencies before taking the examination again.

(e) Upon written request by any candidate, the Board shall release a summary of the results of each category of the practical section of the most recent examination to the school in which the candidate is enrolled for the additional study, pursuant to G.S.



~~88-16(4)~~ 88B-18 or Paragraph (d) of this Rule.

(f) The school in which the student has enrolled pursuant to G.S. ~~88B-16(4)~~ shall design a course of study for that student in order to correct the student's deficiencies. The course of study must be submitted to the Board for approval.

(g) A candidate for licensure as an apprentice cosmetologist who

- (1) passes the examination with a score of 75 percent or more on both sections; and
- (2) subsequently completes an additional 300 hours within one year of the examination date may be licensed as a cosmetologist under G.S. ~~88-12~~ 88B-7 without retaking the examination.

*History Note: Authority G.S. 88B-4; 88B-18;*

*Eff. June 1, 1992;*

*Amended Eff. June 1, 1993;*

*Temporary Amendment Eff. January 1, 1999.*

## **SECTION .0600 - ESTHETICIAN EXAMINATION**

### **.0601 EXAMINATION THEORY SECTION**

(a) The theory section of the esthetician examination shall include the national theory examination of the National Interstate Council of State Board of Cosmetology which covers all phases of esthetics.

(b) The candidate shall have two hours to complete the theory section of the esthetician examination.

*History Note: Authority G.S. 88B-4; 88B-18;*

*Temporary Adoption Eff. January 1, 1999.*

### **.0602 EXAMINATION PRACTICAL SECTION**

The practical section of the esthetics examination shall require the candidate to perform procedures which will test the basic knowledge and skills necessary to practice as an esthetician and shall be related to the curriculum required by the Board to be taught in an approved cosmetic art school to esthetician students.

*History Note: Authority G.S. 88B-4; 88B-18;*

*Temporary Adoption Eff. January 1, 1999.*

## **SECTION .0700 - ESTHETICIAN TEACHER EXAMINATION**

### **.0701 EXAMINATION THEORY SECTION**

(a) The theory section of the esthetician teacher examination shall include the national theory examination of the National Interstate Council of State Boards of Cosmetology which will include lesson plans, teaching techniques, teaching aids, testing, classroom management, and student motivation.

(b) The candidate shall have two hours to complete the theory section of the examination.

*History Note: Authority G.S. 88B-4; 88B-11;*

*Temporary Adoption Eff. January 1, 1999.*

### **.0702 EXAMINATION PRACTICAL SECTION**

The practical section of the esthetician teacher's examination shall require the candidate to perform procedures which will test the basic knowledge and skills of teaching techniques.

*History Note: Authority G.S. 88B-4; 88B-11;*

*Temporary Adoption Eff. January 1, 1999.*

## **SUBCHAPTER 140 - ESTHETICIAN CURRICULUM**

### **.0101 UNIFORMS**

All students in training as an esthetician shall wear a clean, white, washable uniform or white professional attire, nametag identifying academic status, and clean, solid white shoes.

*History Note: Authority G.S. 88B-4;*

*Temporary Adoption Eff. January 1, 1999.*

### **.0102 COURSE OF STUDY**

(a) Pursuant to G.S. 88B-9(1), an applicant for registration as an esthetician must have completed 600 hours in classes in a cosmetic art school approved by the Board.

(b) The following course outline is required by the Board before taking the esthetician examination:

- (1) orientation;
- (2) anatomy/physiology;
- (3) hygiene/sterilization/first aid;
- (4) chemistry;
- (5) client consultation;
- (6) facial/body treatment (cleansing, massage, masks, etc.);
- (7) hair removal;
- (8) basic dermatology;
- (9) machines, electricity, apparatus;
- (10) aromatherapy;
- (11) nutrition;
- (12) business management;
- (13) make-up/color analysis;
- (14) professional ethics.

*History Note: Authority G.S. 88B-4;*

*Temporary Adoption Eff. January 1, 1999.*

### **.0103 EQUIPMENT AND INSTRUMENTS**

(a) An Esthetician school shall be equipped with the following minimum equipment:

- (1) 3 facial treatment chairs, treatment tables, or hydraulic treatment chairs;
- (2) 3 esthetician's stools;
- (3) 1 facial vaporizer;
- (4) 1 galvanic current apparatus;
- (5) 1 infra-red lamp;
- (6) 1 woods lamp;
- (7) 1 footed magnifying lamp or magnifying lamp that attaches to the wall;
- (8) 1 hair removal wax system;
- (9) 1 thermal wax system;
- (10) 1 suction machine;
- (11) 1 exfoliation (brushes);

- (12) table for machines;
- (13) lavatory with hot and cold running water in the treatment area.

(b) All equipment shall be maintained in a sanitary, safe operating order at all times.

(c) The minimum requirement for a school of cosmetology desiring to include a department of esthetics in its training program shall be at least one of each item specified for a school of esthetics.

(d) Each student shall be supplied with:

- (1) cape;
- (2) spatulas;
- (3) astringents;
- (4) tweezers;
- (5) cotton pads;
- (6) make up supplies;
- (7) sponges;
- (8) all purpose cream;
- (9) fumigant.

*History Note: Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999.*

#### **.0104 SERVICES PERFORMED**

No student enrolled in a course for esthetics only, shall perform any services in the cosmetology school except those directly related to the prescribed course in esthetics.

*History Note: Authority G.S. 88B-23;  
Temporary Adoption Eff. January 1, 1999.*

#### **.0105 IDENTIFICATION PINS**

Each student enrolled for an esthetics course only shall wear a pin stating "Esthetics Only." The lettering on a pin must be easily read and in large print.

*History Note: Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999.*

#### **.0106 LIVE MODEL PERFORMANCES**

(a) All esthetician students shall complete the following minimum number of live model performances during the esthetics course under the supervision of a registered cosmetologist or esthetician teacher before taking the esthetician examination:

- (1) Facials:
  - (A) 40 Manual (skin analysis, cleansing, scientific manipulations, packs and masks);
  - (B) 60 Electrical (the use of electrical modalities, including dermal lights, and electrical apparatus for facials and skin care).
- (2) 50 Eyebrow arching and hair removal
- (3) 40 Make-up (skin analysis, complete and corrective make-up).

(b) A minimum of 60 hours of technical and practical instruction in application areas are required prior to conducting performances on the public.

*History Note: Authority G.S. 88B-4;*

*Temporary Adoption Eff. January 1, 1999.*

#### **.0107 SANITATION**

(a) All creams, lotions, and other cosmetics used on patrons must be kept in clean and closed containers.

(b) All powder used on patrons must be kept in a clean shaker or may be applied by means of cotton or other sanitized application.

(c) Creams and other semi-solid substances must be removed from the container with a sanitized spatula or other article. The use of fingers for removing creams, etc. is prohibited.

(d) Lotions or fluids shall be poured into a sanitized glass or other containers and shall be applied to the patron by means of cotton or sanitized applicator. Any excess remaining after application shall neither be returned to the original container nor applied to another patron, but shall be discarded immediately.

(e) Creams, lotions, powder and other cosmetics shall be removed by means of cotton, gauze, pledgets, soft absorbent paper, or other sanitized material.

(f) Eyebrow pencils must be sharpened after being used on a patron.

(g) The use of cake mascara is prohibited.

*History Note: Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999.*

### **SUBCHAPTER 14P - ESTHETICIAN LICENSE**

#### **.0101 SCHEDULE OF CIVIL PENALTIES**

The Board shall adopt a civil penalty schedule for the 1st, 2<sup>nd</sup> and 3<sup>rd</sup> violations of the following offenses. For the 4<sup>th</sup> and subsequent offenses, the provisions of G.S. 88B-24 will apply. Those violations that are first offense correctable will be identified with the word "warning" appended to it. If the offense is not corrected within the 30 day time allotted, the civil penalty in parenthesis will apply.

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

#### **.0102 QUALIFICATIONS FOR LICENSING TEACHERS**

Submitting false or fraudulent documentation on the application for licensure as a Teacher:

- (1) 1st offense \$1,000.00;
- (2) subsequent offense revocation of license.

*History Note: Authority G.S. 88B-4; 88B-24; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

#### **.0103 TEMPORARY EMPLOYMENT PERMIT**

Practicing cosmetology, manicuring, or esthetics with an expired permit. The first offense is a warning that if not corrected within thirty days a one hundred dollars (\$100.00) penalty will apply:

- (1) 1st offense warning (\$100.00);
- (2) 2<sup>nd</sup> offense \$250.00;
- (3) 3<sup>rd</sup> offense \$500.00.

*History Note: Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999.*

**.0104 LICENSING OF COSMETIC ART SHOPS**

(a) Operating a salon without first filing an application for a salon license:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$200.00;           |
| (3) | 3 <sup>rd</sup> offense | \$300.00.           |

(b) Moving or changing location of an existing salon without first submitting the appropriate form and fee to the Board:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$200.00;           |
| (3) | 3 <sup>rd</sup> offense | \$300.00.           |

*History Note: Authority G.S. 88B-4;  
Temporary Adoption Eff. January 1, 1999.*

**.0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED:**

(a) Operating a salon with an expired license:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$250.00;           |
| (3) | 3 <sup>rd</sup> offense | \$500.00.           |

(b) Practicing cosmetology, manicuring, or esthetics with an expired license:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$250.00;           |
| (3) | 3 <sup>rd</sup> offense | \$500.00.           |

(c) Teaching with an expired license:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$200.00;           |
| (3) | 3 <sup>rd</sup> offense | \$400.00.           |

*History Note: Authority G.S. 88B-4; 88B-21; 88B-24;  
Temporary Adoption Eff. January 1, 1999.*

**.0106 LICENSES REQUIRED**

(a) Practicing cosmetic art without a license:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$100.00; |
| (2) | 2 <sup>nd</sup> offense | \$300.00; |
| (3) | 3 <sup>rd</sup> offense | \$500.00. |

(b) Performing services which the practitioner is not licensed to perform:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$100.00; |
| (2) | 2 <sup>nd</sup> offense | \$250.00; |
| (3) | 3 <sup>rd</sup> offense | \$500.00. |

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0107 LICENSES TO BE POSTED**

(a) Failure to display salon/school license:

- |     |                         |                    |
|-----|-------------------------|--------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) | 2 <sup>nd</sup> offense | \$100.00;          |
| (3) | 3 <sup>rd</sup> offense | \$200.00.          |

(b) Failure to display an individual license:

- |     |                         |                    |
|-----|-------------------------|--------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) | 2 <sup>nd</sup> offense | \$100.00;          |
| (3) | 3 <sup>rd</sup> offense | \$200.00.          |

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0108 REVOCATION OF LICENSES AND OTHER DISCIPLINARY MEASURES**

(a) Allowing unlicensed practitioners to practice in a licensed salon:

- |     |                         |             |
|-----|-------------------------|-------------|
| (1) | 1 <sup>st</sup> offense | \$250.00;   |
| (2) | 2 <sup>nd</sup> offense | \$500.00;   |
| (3) | 3 <sup>rd</sup> offense | \$1,000.00. |

(b) Practicing cosmetology, manicuring or esthetics with a license issued to another person:

- |     |                         |             |
|-----|-------------------------|-------------|
| (1) | 1 <sup>st</sup> offense | \$300.00;   |
| (2) | 2 <sup>nd</sup> offense | \$500.00;   |
| (3) | 3 <sup>rd</sup> offense | \$1,000.00. |

(c) Altering a license, permit or authorization issued by the Board:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$300.00; |
| (2) | 2 <sup>nd</sup> offense | \$400.00; |
| (3) | 3 <sup>rd</sup> offense | \$500.00. |

(d) Submitting false or fraudulent documents when enrolling students:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$200.00; |
| (2) | 2 <sup>nd</sup> offense | \$300.00; |
| (3) | 3 <sup>rd</sup> offense | \$500.00. |

*History Note: Authority G.S. 88B-4; 88B-24; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0109 INSPECTIONS**

Refusal to permit or interference with an inspection:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$100.00; |
| (2) | 2 <sup>nd</sup> offense | \$250.00; |
| (3) | 3 <sup>rd</sup> offense | \$500.00. |

*History Note: Authority G.S. 88B-4; 88B-27; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0110 LICENSING OF BEAUTY SALONS**

(a) Use of a salon as living, dining, or sleeping quarters:

- |     |                         |                    |
|-----|-------------------------|--------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) | 2 <sup>nd</sup> offense | \$100.00;          |
| (3) | 3 <sup>rd</sup> offense | \$200.00.          |

(b) Failure to provide a separate entrance into the salon:

- |     |                         |                     |
|-----|-------------------------|---------------------|
| (1) | 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) | 2 <sup>nd</sup> offense | \$200.00;           |
| (3) | 3 <sup>rd</sup> offense | \$400.00.           |

(c) Reopening a salon which has been closed for more than 90 days without making application to the Board for a new license:

- |     |                         |           |
|-----|-------------------------|-----------|
| (1) | 1 <sup>st</sup> offense | \$100.00; |
| (2) | 2 <sup>nd</sup> offense | \$200.00; |
| (3) | 3 <sup>rd</sup> offense | \$300.00. |

*History Note: Authority G.S. 88B-4; 88B-14; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS**

(a) Failure to provide minimum floor space or equipment and supplies as required by Subchapters 14I and 14J:

- |                             |           |
|-----------------------------|-----------|
| (1) 1 <sup>st</sup> offense | \$200.00; |
| (2) 2 <sup>nd</sup> offense | \$350.00; |
| (3) 3 <sup>rd</sup> offense | \$500.00. |

(b) No licensed teacher on duty:

- |                             |           |
|-----------------------------|-----------|
| (1) 1 <sup>st</sup> offense | \$100.00; |
| (2) 2 <sup>nd</sup> offense | \$250.00; |
| (3) 3 <sup>rd</sup> offense | \$500.00. |

(c) Failure to provide instruction at a ratio of one teacher for every 20 students:

- |                             |                     |
|-----------------------------|---------------------|
| (1) 1 <sup>st</sup> offense | warning (\$100.00); |
| (2) 2 <sup>nd</sup> offense | \$250.00;           |
| (3) 3 <sup>rd</sup> offense | \$500.00.           |

(d) Failure to report a change in the teaching staff:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(e) Failure to submit an application for the approval of a school in the case of a change of location or ownership:

- |                             |           |
|-----------------------------|-----------|
| (1) 1 <sup>st</sup> offense | \$100.00; |
| (2) 2 <sup>nd</sup> offense | \$200.00; |
| (3) 3 <sup>rd</sup> offense | \$500.00. |

*History Note: Authority G.S. 88B-4; 88B-16; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0112 SANITARY RATINGS AND POSTING OF RATINGS - APPLICABLE TO ESTABLISHMENTS WITH A SANITATION GRADE OF LESS THAN 80%**

(a) Failure to display an inspection grade card:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(b) Non-working toilet facilities:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(c) Failure to maintain equipment, furnishings and floor coverings:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00); |
| (2) 2 <sup>nd</sup> offense | \$50.00;           |
| (3) 3 <sup>rd</sup> offense | \$100.00.          |

(d) Failure to provide hot and cold running water:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(e) Allowing any animal or bird to enter or remain in a salon or school. Trained animals accompanying sightless or hearing impaired persons are exempt:

- |                             |                   |
|-----------------------------|-------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00) |
| (2) 2 <sup>nd</sup> offense | \$50.00           |

(3) 3<sup>rd</sup> offense \$100.00.

(f) Failure to have students wear clean, white professional attire:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(g) Failure of operators in salons to wear clean outer garments with sleeves:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(h) Failure to store used or clean towels, or failure to launder used towels:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(i) Failure to dispose of supplies or instruments which come in direct contact with a patron and which cannot be disinfected:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(j) Failure to disinfect non-electrical instruments and equipment:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(k) Failure to store and label creams, powders, and other cosmetic preparations:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00); |
| (2) 2 <sup>nd</sup> offense | \$50.00;           |
| (3) 3 <sup>rd</sup> offense | \$100.00.          |

(l) Failure to have necessary first aid equipment on hand:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00); |
| (2) 2 <sup>nd</sup> offense | \$50.00;           |
| (3) 3 <sup>rd</sup> offense | \$100.00.          |

(m) Necessary lighting and/or ventilation, unsanitary conditions:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(n) Doors and windows not effectively screened:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$50.00); |
| (2) 2 <sup>nd</sup> offense | \$100.00;          |
| (3) 3 <sup>rd</sup> offense | \$200.00.          |

(o) Trash containers not covered:

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00); |
| (2) 2 <sup>nd</sup> offense | \$50.00;           |
| (3) 3 <sup>rd</sup> offense | \$100.00.          |

(p) Failure to use EPA approved disinfectant:

- |                             |           |
|-----------------------------|-----------|
| (1) 1 <sup>st</sup> offense | \$50.00;  |
| (2) 2 <sup>nd</sup> offense | \$100.00; |
| (3) 3 <sup>rd</sup> offense | \$200.00. |

(q) Failure to maintain a sanitary establishment (80% rating or better):

- |                             |                    |
|-----------------------------|--------------------|
| (1) 1 <sup>st</sup> offense | warning (\$25.00); |
| (2) 2 <sup>nd</sup> offense | \$50.00;           |
| (3) 3 <sup>rd</sup> offense | \$100.00.          |

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

(a) Failure to record student's hours of daily attendance:

- (1) 1<sup>st</sup> offense warning (\$100.00);
- (2) 2<sup>nd</sup> offense \$200.00;
- (3) 3<sup>rd</sup> offense \$300.00.

(b) Failure to report withdrawal or graduation of a student within 30 working days:

- (1) 1<sup>st</sup> offense warning (\$50.00);
- (2) 2<sup>nd</sup> offense \$100.00;
- (3) 3<sup>rd</sup> offense \$200.00.

(c) Failure to submit cosmetology enrollments within 30 working days or manicurist and esthetician enrollments within 15 working days:

- (1) 1<sup>st</sup> offense warning (\$50.00);
- (2) 2<sup>nd</sup> offense \$100.00;
- (3) 3<sup>rd</sup> offense \$200.00.

(d) Failure to display a copy of the sanitary rules:

- (1) 1<sup>st</sup> offense warning (\$50.00);
- (2) 2<sup>nd</sup> offense \$100.00;
- (3) 3<sup>rd</sup> offense \$200.00.

(e) Failure to post consumer sign "Cosmetic Art School - Work Done Exclusively by Students":

- (1) 1<sup>st</sup> offense warning (\$50.00);
- (2) 2<sup>nd</sup> offense \$100.00;
- (3) 3<sup>rd</sup> offense \$200.00.

*History Note: Authority G.S. 88B-4; 88B-16; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0114 COSMETOLOGY CURRICULUM**

(a) Cosmetology students with less than 300 hours credit working on the public. Shampoo and scalp manipulations are exempt: (school violation)

- (1) 1<sup>st</sup> offense \$100.00;
- (2) 2<sup>nd</sup> offense \$200.00;
- (3) 3<sup>rd</sup> offense \$300.00.

(b) Manicurist students with less than 16 hours credit working on the public:

- (1) 1<sup>st</sup> offense \$100.00;
- (2) 2<sup>nd</sup> offense \$200.00;
- (3) 3<sup>rd</sup> offense \$300.00.

(c) Esthetician students with less than 60 hours credit working on the public:

- (1) 1<sup>st</sup> offense \$100.00;
- (2) 2<sup>nd</sup> offense \$200.00;
- (3) 3<sup>rd</sup> offense \$300.00.

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0115 SANITARY RATINGS**

Failure to display an inspection grade card:

- (1) 1<sup>st</sup> offense warning (\$50.00);
- (2) 2<sup>nd</sup> offense \$100.00;

(3) 3<sup>rd</sup> offense \$200.00.

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

**.0116 CIVIL PENALTY PROCEDURES:**

(a) Citations. The Board, through its duly authorized representatives, shall issue a citation with respect to any violation for which a civil penalty may be assessed. Each citation shall be in writing and shall describe the nature of the violation, including a reference to the specific provision alleged to have been violated. The civil penalty, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to corrections, as determined by the Board.

(b) Correction of Violation. Any licensee who has been issued a warning citation must present written proof satisfactory to the Board, or its executive director, that the violation has been corrected. This provision applies only to a licensee's first violation in any one year period for a violation with a 1st offense warning penalty. Proof of correction shall be presented to the Board, through its executive director, within 30 days of the date the warning citation was issued. The Board may, in its discretion, extend for a reasonable period, the time within which to correct the warning citation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the civil penalty shall be paid.

(c) Contested Case. Persons to whom a notice of violation or a citation is issued and a civil penalty assessed, may contest the civil penalty by filing written notice with the Board. The Board shall institute a contested case by sending a notice of hearing pursuant to Article 3A of Chapter 150B of the General Statutes. The issuance of notice of hearing shall stay the civil penalty until the Board renders a final agency decision in the contested case.

(d) Final Agency Decision. The Board, after the hearing has been concluded, may affirm, reduce, or dismiss the charges filed in the notice of hearing or any penalties assessed. In no event shall the civil penalty be increased.

(e) Failure to File. If no written notice contesting the civil penalty is filed as set forth in Paragraph (c), the civil penalty becomes a final agency decision.

*History Note: Authority G.S. 88B-4; 88B-29;  
Temporary Adoption Eff. January 1, 1999.*

*This Section includes the Register Notice citation to Rules approved by the Rules Review Commission (RRC) at its meeting of October 22, 1998 pursuant to G.S. 150B-21.17(a)(1) and reported to the Joint Legislative Administrative Procedure Oversight Committee pursuant to G.S. 150B-21.16. The full text of rules are published below when the rules have been approved by RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register. The rules published in full text are identified by an \* in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

*These rules unless otherwise noted, will become effective on the 31st legislative day of the 1999 Session of the General Assembly or a later date if specified by the agency unless a bill is introduced before the 31st legislative day that specifically disapproves the rule. If a bill to disapprove a rule is not ratified, the rule will become effective either on the day the bill receives an unfavorable final action or the day the General Assembly adjourns. Statutory reference: G.S. 150B-21.3.*

APPROVED RULE CITATION				REGISTER CITATION TO THE NOTICE OF TEXT
10	NCAC	03R	.0214	13:03 NCR 270
10	NCAC	03R	.3051	13:02 NCR 178
10	NCAC	03R	.6101 - .6102*	13:02 NCR 178
10	NCAC	03R	.6103 - .6111	13:02 NCR 179
10	NCAC	03R	.6113 - .6121	13:02 NCR 188
10	NCAC	03R	.6122*	13:02 NCR 189
10	NCAC	03R	.6123	13:02 NCR 190
10	NCAC	03R	.6124*	13:02 NCR 190
10	NCAC	03R	.6125 - .6130	13:02 NCR 191
10	NCAC	03R	.6131*	13:02 NCR 194
10	NCAC	03R	.6132 - .6141	13:02 NCR 195
10	NCAC	24A	.0508*	12:23 NCR 2090
10	NCAC	26B	.0103*	13:01 NCR 5
10	NCAC	42C	.3401	13:02 NCR 200
10	NCAC	42C	.3403 - .3404	13:02 NCR 201
10	NCAC	42C	.3601	13:02 NCR 202
10	NCAC	42R	.0201	12:23 NCR 2090
10	NCAC	49B	.0315*	13:02 NCR 203
12	NCAC	09A	.0101* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09A	.0103*	13:01 NCR 6
12	NCAC	09B	.0101*	13:01 NCR 6
12	NCAC	09B	.0205* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0209* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0210* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0210*	13:01 NCR 6
12	NCAC	09B	.0211* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0211*	13:01 NCR 6
12	NCAC	09B	.0212* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0212*	13:01 NCR 6
12	NCAC	09B	.0213* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0213*	13:01 NCR 6
12	NCAC	09B	.0214* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0214*	13:01 NCR 6
12	NCAC	09B	.0215*	13:01 NCR 6
12	NCAC	09B	.0218 - .0222*	13:01 NCR 6
12	NCAC	09B	.0226 - .0227* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0232 - .0233* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC	09B	.0309	13:01 NCR 6
12	NCAC	09B	.0310*	13:01 NCR 6
12	NCAC	09B	.0311	13:01 NCR 6
12	NCAC	09B	.0404	13:01 NCR 6
12	NCAC	09B	.0408 - .0409*	13:01 NCR 6

12	NCAC 09B	.0414	13:01 NCR 6
12	NCAC 09B	.0416*	13:01 NCR 6
12	NCAC 09C	.0308*	13:01 NCR 6
12	NCAC 09C	.0601* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC 09E	.0105 - .0106* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC 09F	.0107* Amended Eff. November 1, 1998	not required, G.S. 150B-21.5(4)
12	NCAC 11	.0502*	12:20 NCR 1824
12	NCAC 11	.0504-.0505*	12:20 NCR 1824
14A	NCAC 07	.0313*	12:01 NCR 6
15A	NCAC 07H	.1705*	12:24 NCR 2202
15A	NCAC 16A	.0106	13:02 NCR 235
15A	NCAC 16A	.0108	13:02 NCR 235
15A	NCAC 18A	.2508	13:01 NCR 31
15A	NCAC 18A	.2513	13:01 NCR 32
15A	NCAC 18A	.2515	13:01 NCR 32
15A	NCAC 18A	.2517 - .2518	13:01 NCR 32
15A	NCAC 18A	.2526*	13:01 NCR 36
15A	NCAC 18A	.2528*	13:01 NCR 37
15A	NCAC 18A	.2530 - .2532*	13:01 NCR 37
15A	NCAC 18A	.2535*	13:01 NCR 39
15A	NCAC 18A	.2539	13:01 NCR 40
15A	NCAC 18A	.2543	13:01 NCR 41
15A	NCAC 18A	.2801 - .2802*	13:02 NCR 235
15A	NCAC 18A	.2803	13:02 NCR 237
15A	NCAC 18A	.2810*	13:02 NCR 238
15A	NCAC 18A	.2812 - .2813*	13:02 NCR 239
15A	NCAC 18A	.2815	13:02 NCR 240
15A	NCAC 18A	.2817*	13:02 NCR 240
15A	NCAC 18A	.2819 - .2820*	13:02 NCR 240
15A	NCAC 18A	.2822*	13:02 NCR 241
15A	NCAC 18A	.2823	13:02 NCR 241
15A	NCAC 18A	.2824 - .2825*	13:02 NCR 242
15A	NCAC 18A	.2828*	13:02 NCR 242
15A	NCAC 18A	.2829	13:02 NCR 242
15A	NCAC 18A	.2830*	13:02 NCR 242
15A	NCAC 18A	.2831	13:02 NCR 243
15A	NCAC 18A	.2832*	13:02 NCR 243
15A	NCAC 18A	.2834	13:02 NCR 243
15A	NCAC 24A	.0101 - .0102	13:02 NCR 244
15A	NCAC 24A	.0302	13:02 NCR 245
15A	NCAC 24A	.0402 - .0404	13:02 NCR 245
19A	NCAC 02D	.0816*	13:01 NCR 1

**TITLE 10 - DEPARTMENT OF HEALTH AND  
HUMAN SERVICES**

**SUBCHAPTER 3R - CERTIFICATE OF NEED  
REGULATIONS**

**SECTION .6100 - PLANNING POLICIES AND NEED  
DETERMINATIONS**

**.6101 APPLICABILITY OF RULES RELATED TO  
THE 1998 STATE MEDICAL FACILITIES  
PLAN**

Rules .6101 through .6105 and .6107 through .6141 of this

Section apply to certificate of need applications for which the scheduled review period begins during calendar year 1998. In addition, Rule .6106 of this Section shall be used to implement procedures described within it during calendar year 1998.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1998;  
Eff. April 1, 1999.*

**.6102 CERTIFICATE OF NEED REVIEW  
CATEGORIES**

The agency has established 10 categories of facilities and

services for certificate of need review and shall determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the agency may require the applicant to submit separate applications. If it is not practical to submit separate applications, the agency shall determine in which category the application will be reviewed. The review of an application for a certificate of need shall commence in the next review schedule after the application has been determined to be complete. The 10 categories of facilities and services are:

- (1) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Category J, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (2) Category B. Proposals for nursing care beds; new continuing care facilities applying for exemption under 10 NCAC 3R .6134; and relocations of nursing care beds under 10 NCAC 3R .6136.
- (3) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (4) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
- (5) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
- (6) Category F. Proposals for new home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.
- (7) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 3R .6133.
- (8) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplasty equipment, cardiac catheterization equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176(14f), diagnostic centers as defined in G.S. 131E-176(7a), and oncology treatment centers as defined in G.S. 131E-176(18a).
- (9) Category I. Proposals involving cost overruns; expansions of existing continuing care facilities which are licensed by the Department of Insurance at the

date the application is filed and are applying under exemptions from need determinations in 10 NCAC 3R .6121; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 3R .6130(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; and any other proposal not included in Categories A through H and Category J.

- (10) Category J. Proposals for demonstration projects.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1998;*

*Eff. April 1, 1999.*

**.6122 DEMONSTRATION PROJECT TO ESTABLISH A NURSING CARE FACILITY FOR PERSONS WHO ARE DEAF OR HARD OF HEARING (REVIEW CATEGORY J)**

(a) It is determined that 90 nursing care beds are needed for a demonstration project to establish one new nursing care facility for persons who are deaf or hard of hearing.

(b) The project may be developed in any county in the state.

(c) The nursing care beds in this demonstration project shall not be counted in the nursing care bed inventory for the county in which the facility is developed.

(d) Admissions to the nursing care facility shall be restricted to persons who are deaf or hard of hearing. "Hard of hearing" is defined for purposes of the demonstration project as persons with 60 decibel pure tone average in the better ear unaided and with a hearing impairment of sufficient degree to interfere with normal communication, as defined by speech reception thresholds. Hearing assessments used for screening admissions must be performed by a licensed audiologist.

(e) The demonstration project shall provide data to evaluate the effectiveness of this type of program, including an annual report to the Long-Term Care Committee and to the Division of Services for the Deaf and the Hard of Hearing with regard to at least the following measures:

- (1) Occupancy Rate;
- (2) Utilization by Percentage of Persons who are Deaf and by Percentage of Persons who are Hard of Hearing;
- (3) Patient Origin Data;
- (4) Cost Data, particularly with regard to ancillary communication services and training; and
- (5) Consumer Satisfaction, including ratings from patients and family members.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);*

*Temporary Adoption Eff. January 1, 1998;*



*Eff. April 1, 1999.*

#### **.6124 DIALYSIS STATION NEED DETERMINATION**

(a) The Medical Facilities Planning Section (MFPS) shall determine need for new dialysis stations two times each calendar year, and shall make a report of such determinations available to all who request it. This report shall be called the North Carolina Semiannual Dialysis Report (SDR). Data to be used for such determinations, and their sources, are as follows:

- (1) Numbers of dialysis patients, by type, county and facility, from the Southeastern Kidney Council, Inc. (SEKC) and the Mid-Atlantic Renal Coalition, Inc. as of December 31, 1997 for the March SDR and as of June 30, 1998 for the September SDR.
- (2) Certificate of need decisions, decisions appealed, appeals settled, and awards, from the Certificate of Need Section, DFS.
- (3) Facilities certified for participation in Medicare, from the Certification Section, DFS.
- (4) Need determinations for which certificate of need decisions have not been made, from MFPS records.

Need determinations in this report shall be an integral part of the State Medical Facilities Plan, as provided in G.S. 131E-183.

(b) Need for new dialysis stations shall be determined as follows:

- (1) County Need:
  - (A) The average annual rate (%) of change in total number of dialysis patients resident in each county from the end of 1993 to the end of 1997 is multiplied by the county's 1997 year end total number of patients in the SDR, and the product is added to each county's most recent total number of patients reported in the SDR. The sum is the county's projected total 1998 patients.
  - (B) The percent of each county's total patients who were home dialysis patients at the end of 1997 is multiplied by the county's projected total 1998 patients, and the product is subtracted from the county's projected total 1998 patients. The remainder is the county's projected 1998 in-center dialysis patients.
  - (C) The projected number of each county's 1998 in-center patients is divided by 3.2. The quotient is the projection of the county's 1998 in-center dialysis stations.
  - (D) From each county's projected number of 1998 in-center stations is subtracted the county's number of stations certified for Medicare, CON-approved and awaiting certification, awaiting resolution of CON appeals, and the number represented by need determinations in previous State Medical Facilities Plans or Semiannual Dialysis Reports for which CON decisions have not been made. The remainder is the county's 1998 projected surplus or deficit.
  - (E) If a county's 1998 projected station deficit is 10

or greater and the SDR shows that utilization of each dialysis facility in the county is 80% or greater, the 1998 county station need determination is the same as the 1998 projected station deficit. If a county's 1998 projected station deficit is less than 10 or if the utilization of any dialysis facility in the county is less than 80%, the county's 1998 station need determination is zero.

- (2) Facility Need: A dialysis facility located in a county for which the result of the County Need methodology is zero in the reference Semiannual Dialysis Report (SDR) is determined to need additional stations to the extent that:

- (A) Its utilization, reported in the current SDR, is 3.2 patients per station or greater.
- (B) Such need, calculated as follows, is reported in an application for a certificate of need:
  - (i) The facility's number of in-center dialysis patients reported in the previous SDR (SDR<sub>1</sub>) is subtracted from the number of in-center dialysis patients reported in the current SDR (SDR<sub>2</sub>). The difference is multiplied by 2 to project the net in-center change for 1 year. Divide the projected net in-center change for the year by the number of in-center patients from SDR<sub>1</sub> to determine the projected annual growth rate.
  - (ii) The quotient from Subpart (b)(2)(B)(i) of this Rule is divided by 12.
  - (iii) The quotient from Subpart (b)(2)(B)(ii) of this Rule is multiplied by the number of months from the most recent month reported in the current SDR until the end of calendar 1998.
  - (iv) The product from Subpart (b)(2)(B)(iii) of this Rule is multiplied by the number of the facility's in-center patients reported in the current SDR and that product is added to such reported number of in-center patients.
  - (v) The sum from Subpart (b)(2)(B)(iv) of this Rule is divided by 3.2, and from the quotient is subtracted the facility's current number of certified and pending stations as recorded in the current SDR. The remainder is the number of stations needed.
- (C) The facility may apply to expand to meet the need established in Subpart (b)(2)(B)(v) of this Rule, up to a maximum of 10 stations.

(c) The schedule for publication of the North Carolina Semiannual Dialysis Report (SDR) and for receipt of certificate of need applications based on each issue of this report in 1998 shall be as follows:

Data for Period Ending	Receipt of SEKC Report	Publication of SDR	Receipt of CON Applications	Beginning Review Dates
Dec. 31, 1997	Feb. 27, 1998	March 20, 1998	May 15, 1998	June 1, 1998
June 30, 1998	Aug. 31, 1998	Sept. 21, 1998	Nov. 13, 1998	Dec. 1, 1998

(d) An application for a certificate of need pursuant to this Rule shall be considered consistent with G.S. 131E-183(a)(1) only if it demonstrates a need by utilizing one of the methods of determining need outlined in this Rule.

(e) An application for a new End Stage Renal Disease facility shall not be approved unless it documents the need for at least 10 stations based on utilization of 3.2 patients per station per week.

(f) Home patients shall not be included in determination of need for new stations.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1998;  
Eff. April 1, 1999.*

## **.6131 POLICIES FOR INPATIENT REHABILITATION SERVICES**

(a) After applying other required criteria, when superiority among two or more competing rehabilitation facility certificate of need applications is uncertain, favorable consideration shall be given to proposals that make rehabilitation services more accessible to patients and their families or are part of a comprehensive regional rehabilitation network.

(b) Rehabilitation care which can be provided in an outpatient or home setting shall be provided in these settings. All new inpatient rehabilitation programs shall provide comprehensive outpatient rehabilitation services as part of their service delivery programs.

*History Note: Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 1998;  
Eff. April 1, 1999.*

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## **CHAPTER 24 - SOCIAL SERVICES**

### **SUBCHAPTER 24A - GENERAL**

#### **SECTION .0500 - GENERAL POLICIES**

#### **.0508 ADVISORY TO COUNTIES REGARDING PETITION OF GARNISHMENT**

The Division of Social Services shall advise county departments of social services and consolidated human services boards of any State and federal laws and regulations that restrict the garnishment of wages to recoup a fraudulent public assistance program payment as provided in G.S. 108A-25.1.

*History Note: Authority G.S. 108A-25.1; 143B-153; S.L. 1997-497;  
Temporary Adoption Eff. December 8, 1997;  
Eff. April 1, 1999.*

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## **CHAPTER 26 - MEDICAL ASSISTANCE**

### **SUBCHAPTER 26B - MEDICAL ASSISTANCE PROVIDED**

#### **SECTION .0100 - GENERAL**

#### **.0103 HOME HEALTH SERVICES**

Home health services shall be provided by Medicare certified home health agencies under a plan of care authorized by the patient's physician.

*History Note: Authority G.S. 108A-25(b); 108A-54;  
Eff. February 1, 1976;  
Readopted Eff. October 31, 1977;  
Amended Eff. April 1, 1999; February 1, 1980.*

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## **CHAPTER 49 - AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC)**

### **SUBCHAPTER 49B - ELIGIBILITY DETERMINATION**

#### **SECTION .0300 - ELIGIBILITY FACTORS**

#### **.0315 TWO-PARENT FAMILIES**

(a) Assistance Units with two able-bodied parents shall be eligible to receive cash assistance only for months during which the parents meet the federal work participation requirement as described in Section 407 of Public Law 104-193 which is hereby incorporated by reference including subsequent amendments and editions.

(b) The parents shall verify as prescribed by the State, that they have satisfied the federal work requirement. If the assistance unit is otherwise eligible for a payment, the payment shall be made within five calendar days of the date the county receives the parent's verification.

(c) The amount of the cash assistance payment shall be calculated for the month as it is for all other assistance units.

*History note: Authority G.S. 108A-25; S.L. 1997-443; P.L.*

104-193;  
*Temporary Adoption Eff. March 1, 1998;*  
*Eff. April 1, 1999.*

**TITLE 12 - DEPARTMENT OF JUSTICE**

**CHAPTER 9 - CRIMINAL JUSTICE EDUCATION  
 AND TRAINING STANDARDS**

**SUBCHAPTER 9A - CRIMINAL JUSTICE  
 EDUCATION  
 AND TRAINING STANDARDS COMMISSION**

**SECTION .0100 - COMMISSION ORGANIZATION  
 AND PROCEDURES**

**.0101 LOCATION**

The North Carolina Criminal Justice Education and Training Standards Commission is established in the Department of Justice and is located in the Old Education Building, 114 West Edenton Street, in Raleigh, North Carolina. The mailing address is:

North Carolina Criminal Justice Education  
 and Training Standards Commission  
 Post Office Drawer 149  
 Raleigh, North Carolina 27602  
 Telephone (919)716-6470

*History Note: Authority G.S. 17C-3; 17C-6;*  
*Eff. January 1, 1981;*  
*Amended Eff. November 1, 1998; August 15, 1981.*

**.0103 DEFINITIONS**

The following definitions apply throughout this Chapter, except as modified in 12 NCAC 9A .0107 for the purpose of the Commission's rule-making and administrative hearing procedures:

- (1) "Agency" or "Criminal Justice Agency" means those state and local agencies identified in G.S. 17C-2(b).
- (2) "Alcohol Law Enforcement Agent" means a law enforcement officer appointed by the Secretary of Crime Control and Public Safety as authorized by G.S. 18B-500.
- (3) "Commission" means the North Carolina Criminal Justice Education and Training Standards Commission.
- (4) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (5) "Convicted" or "Conviction" means and includes, for purposes of this Chapter, the entry of:
  - (a) a plea of guilty;
  - (b) a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted,

established, and recognized adjudicating body, tribunal, or official, either civilian or military; or

- (c) a plea of no contest, nolo contendere, or the equivalent.
- (6) "Correctional Officer" means any employee of the North Carolina Department of Correction who is responsible for the custody or treatment of inmates.
- (7) "Criminal Justice Officer(s)" means those officers identified in G.S. 17C-2(c) and further includes probation and parole intake officers; probation/parole officers-surveillance; probation/parole intensive officers; and, state parole case analysts.
- (8) "Criminal Justice System" means the whole of the State and local criminal justice agencies described in Item (1) of this Rule.
- (9) "Criminal Justice Training Points" means points earned toward the Criminal Justice Officers' Professional Certificate Program by successful completion of commission-approved criminal justice training courses. Twenty classroom hours of commission-approved criminal justice training equals one criminal justice training point.
- (10) "Department Head" means the chief administrator of any criminal justice agency and specifically includes any chief of police or agency director. "Department Head" also includes a designee formally appointed in writing by the Department head.
- (11) "Director" means the Director of the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (12) "Educational Points" means points earned toward the Professional Certificate Programs for studies satisfactorily completed for semester hour or quarter hour credit at an accredited institution of higher education. Each semester hour of college credit equals one educational point and each quarter hour of college credit equals two-thirds of an educational point.
- (13) "Enrolled" means that an individual is currently actively participating in an on-going formal presentation of a commission-accredited basic training course which has not been concluded on the day probationary certification expires. The term "currently actively participating" as used in this definition means:
  - (a) for law enforcement officers, that the officer is then attending an approved course presentation averaging a minimum of twelve hours of instruction each week; and
  - (b) for Youth Services and Department of Correction personnel, that the officer is then attending the last or final phase of the approved training course necessary for fully satisfying the total course completion requirements.
- (14) "High School" means a school accredited as a high school by:
  - (a) the Department or board of education of the

state in which the school is located; or

- (b) the recognized regional accrediting body; or
- (c) the state university of the state in which the school is located.

- (15) "In-Service Training" means any and all training prescribed in Subchapter 9E Rule .0102 which must be satisfactorily completed by all certified law enforcement officers during each full calendar year of certification.
- (16) "Lateral Transfer" means the employment of a criminal justice officer, at any rank, by a criminal justice agency, based upon the officer's special qualifications or experience, without following the usual selection process established by the agency for basic officer positions.
- (17) "Law Enforcement Code of Ethics" means that code adopted by the Commission on September 19, 1973, which reads:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all, and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will never engage in acts or corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

- (18) "Law Enforcement Officer" means an appointee of a criminal justice agency or of the State or of any political subdivision of the State who, by virtue of his

office, is empowered to make arrests for violations of the laws of this State. Specifically excluded from this title are sheriffs and their sworn appointees with arrest authority who are governed by the provisions of Chapter 17E of the General Statutes.

- (19) "Law Enforcement Training Points" means points earned toward the Law Enforcement Officers' Professional Certificate Program by successful completion of commission-approved law enforcement training courses. Twenty classroom hours of commission-approved law enforcement training equals one law enforcement training point.
- (20) "LIDAR" means a speed-measuring instrument that electronically computes, from transmitted infrared light pulses, the speed of a vehicle under observation.
- (21) "Local Confinement Personnel" means any officer, supervisor or administrator of a local confinement facility in North Carolina as defined in G.S. 153A-217; any officer, supervisor or administrator of a county confinement facility in North Carolina as defined in G.S. 153A-218; or, any officer, supervisor or administrator of a district confinement facility in North Carolina as defined in G.S. 153A-219.
- (22) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as follows:

- (a) "Class A Misdemeanor" means a misdemeanor committed or omitted in violation of any common law, duly enacted ordinance or criminal statute of this state which is not classified as a Class B Misdemeanor pursuant to Sub-item (22)(b) of this Rule. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six months. Specifically excluded from this grouping of "Class A Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an authorized governmental entity with the exception of the offense of impaired driving which is expressly included herein as a Class A Misdemeanor if the offender could have been sentenced for a term of not more than six months. Also specifically included herein as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [G.S. 20-179(1)],

level four [G.S. 20-179(j)], or level five [G.S. 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute, of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six months.

- (b) "Class B Misdemeanor" means an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice which is hereby incorporated by reference and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of the publication may be obtained from the North Carolina Department of Justice, Post Office Box 629, Raleigh, North Carolina 27602. There is no cost per manual at the time of adoption of this Rule. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six months but not more than two years. Specifically excluded from this grouping of "Class B Misdemeanor" criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions: Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six months but not more than two years, and driving while license permanently revoked or permanently suspended. "Class B Misdemeanor" shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six months but not more than two years.
- (23) "Parole Case Analyst" means an employee of the North Carolina Department of Correction who works under the supervision of the North Carolina Parole

Commission, whose duties include analyzing and processing cases under consideration for parole, preparing and presenting parole recommendations, analyzing and processing executive clemency matters and interviewing inmates.

- (24) "Pilot Courses" means those courses developed consistent with the curriculum development policy adopted by the Commission on May 30, 1986. This policy shall be administered by the Education and Training Committee of the Commission consistent with 12 NCAC 9C .0404.
- (25) "Probation/Parole Officer" means an employee of the Division of Adult Probation and Parole whose duties include supervising, evaluating, treating, or instructing offenders placed on probation or parole or assigned to any other community-based program operated by the Division of Adult Probation and Parole.
- (26) "Probation/Parole Intake Officer" means an employee of the Division of Adult Probation and Parole, other than a regular Probation/Parole officer, whose duties include conducting, preparing, or delivering investigations, reports, and recommendations, either before or after sentencing, upon the request or referral of the court, the Parole Commission, or the Director of the Division of Adult Probation and Parole.
- (27) "Probation/Parole Intensive Officer" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole officer, probation/parole intake officer, and probation parole officer-surveillance who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole, whose duties include supervising, investigating, reporting, counseling, treating, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who serves as the lead officer in such a unit.
- (28) "Probation/Parole Officer - Surveillance" means an employee of the Division of Adult Probation and Parole other than a regular probation/parole and a probation/parole intake officer who is duly sworn, empowered with the authority of arrest and is an authorized representative of the courts of North Carolina and the Department of Correction, Division of Adult Probation and Parole whose duties include supervising, investigating, reporting, and surveillance of serious offenders in an intensive probation and parole program operated by the Division of Adult Probation and Parole who is trained in community corrections and law enforcement techniques.
- (29) "Radar" means a speed-measuring instrument that transmits microwave energy in the 10.500 to 10.550 MHZ frequency (X) band or transmits microwave energy in the 24.050 to 24.250 MHZ frequency (K) band and either of which operates in the stationary and/or moving mode. "Radar" further means a speed-

measuring instrument that transmits microwave energy in the 33,400 to 36,000 MHZ (Ka) band and operates in either the stationary or moving mode.

- (30) "Resident" means any youth committed to a facility operated by the North Carolina Division of Youth Services.
- (31) "School" or "criminal justice school" means an institution, college, university, academy, or agency which offers criminal justice, law enforcement, penal, correctional, or traffic control and enforcement training for criminal justice officers or law enforcement officers. "School" includes the criminal justice training course curriculum, instructors, and facilities.
- (32) "School Director" means the person designated by the sponsoring institution or agency to administer the criminal justice school.
- (33) "Speed-Measuring Instruments" (SMI) means those devices or systems, including radar time-distance, and LIDAR, formally approved and recognized under authority of G.S. 17C-6(a)(13) for use in North Carolina in determining the speed of a vehicle under observation and particularly includes all named devices or systems as specifically referenced in the approved list of 12 NCAC 9C .0601.
- (34) "Standards Division" means the Criminal Justice Standards Division of the North Carolina Department of Justice.
- (35) "Time-Distance" means a speed-measuring instrument that electronically computes, from measurements of time and distance, the average speed of a vehicle under observation.
- (36) "State Youth Services Officer" means an employee of the North Carolina Division of Youth Services whose duties include the evaluation, treatment, instruction, or supervision of juveniles committed to that agency.

*History Note: Filed as a Temporary Amendment Eff. October 1, 1994 for a period of 180 days to expire on April 1, 1995;  
Filed as a Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;  
Authority G.S. 17C-2; 17C-6; 17C-10; 153A-217;  
Eff. January 1, 1981;  
Amended Eff. November 1, 1981; August 15, 1981;  
Readopted Eff. July 1, 1982;  
Amended Eff. April 1, 1999; August 1, 1998; January 1, 1995;  
November 1, 1993; March 1, 1990;  
July 1, 1989.*

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## **SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND TRAINING**

### **SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT**

#### **.0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS**

Every criminal justice officer employed by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be of good moral character pursuant to G.S. 17C-10 and as determined by a thorough background investigation;
- (4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;
- (5) have been examined and certified by a licensed physician or surgeon to meet physical requirements necessary to properly fulfill the officer's particular responsibilities and shall have produced a negative result on a drug screen administered according to the following specifications:
  - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive result using a gas chromatography/mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
  - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
  - (c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites;
  - (d) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs, as found in 53 C.F.R. 11970, are hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6;
  - (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
  - (f) the laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples, except that individual agencies may specify other drugs to be tested for in addition to those drugs set out in Subparagraph (c) of this Rule;
- (6) have been administered a psychological screening examination by a clinical psychologist or psychiatrist licensed to practice in North Carolina or by a clinical

psychologist or psychiatrist authorized to practice in accordance with the rules and regulations of the United States Armed Forces within one year prior to employment by the employing agency to determine the officer's mental and emotional suitability to properly fulfill the responsibilities of the position;

- (7) have been interviewed personally by the Department head or his representative or representatives, to determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate;
- (8) notify the Standards Division of all criminal offenses which the officer is arrested for or charged with, pleads no contest to, pleads guilty to or is found guilty of. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under The Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph, as an offense where the maximum punishment allowable by law is 60 days or less. Other offenses under Chapter 20 (Motor Vehicles) of the General Statutes of North Carolina or similar laws of other jurisdictions which shall be reported to the Standards Division expressly include G.S. 20-139 (persons under influence of drugs), G.S. 20-28(b) (driving while license permanently revoked or permanently suspended) and G.S. 20-166 (duty to stop in event of accident).

The notifications required under this Subparagraph must be in writing, must specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the final disposition, and the date thereof. The notifications required under this Subparagraph must be received by the Standards Division within 30 days of the date the case was disposed of in court.

The requirements of this Subparagraph shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification.

Officers required to notify the Standards Division under this Subparagraph shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he has knowledge of the officer's arrest(s) or criminal charge(s) and final disposition(s), shall also notify the Standards Division of all arrests or criminal charges and final dispositions within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, is sufficient notice for compliance with this Subparagraph.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. April 1, 1999; January 1, 1995; November 1, 1993; July 1, 1990.*

## **SECTION .0200 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE SCHOOLS AND CRIMINAL JUSTICE TRAINING PROGRAMS OR COURSES OF INSTRUCTION**

### **.0205 BASIC TRAINING -- LAW ENFORCEMENT OFFICERS**

(a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Recruit Training -- Law Enforcement" shall consist of a minimum of 460 hours of instruction and shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Course Orientation	2 Hours
(2)	Constitutional Law	4 Hours
(3)	Laws of Arrest, Search and Seizure	16 Hours
(4)	Mechanics of Arrest; Arrest Procedures	8 Hours
(5)	Law Enforcement Communications and Information Systems	4 Hours
(6)	Elements of Criminal Law	24 Hours
(7)	Defensive Tactics	16 Hours
(8)	Juvenile Laws and Procedures	8 Hours
(9)	First Responder	40 Hours
(10)	Firearms	40 Hours
(11)	Patrol Techniques	16 Hours
(12)	Crime Prevention Techniques	4 Hours
(13)	Field Notetaking and Report Writing	12 Hours
(14)	Mechanics of Arrest; Vehicle Stops	6 Hours
(15)	Mechanics of Arrest; Custody Procedures	2 Hours
(16)	Mechanics of Arrest; Processing Arrestee	4 Hours
(17)	Crisis Management	10 Hours
(18)	Special Populations	12 Hours
(19)	Civil Disorders	8 Hours
(20)	Criminal Investigation	28 Hours
(21)	Interviews: Field and In-Custody	8 Hours
(22)	Controlled Substances	6 Hours
(23)	ABC Laws and Procedures	4 Hours
(24)	Electrical and Hazardous Materials Emergencies	12 Hours
(25)	Motor Vehicle Laws	20 Hours
(26)	Techniques of Traffic Law Enforcement	6 Hours
(27)	Traffic Accident Investigation	20 Hours
(28)	Law Enforcement Driver Training	44 Hours
(29)	Preparing for Court and Testifying in Court	12 Hours
(30)	Dealing with Victims and the Public	4 Hours
(31)	Ethics of Professional Law Enforcement	4 Hours
(32)	Testing	13 Hours
(33)	Physical Fitness	43 Hours

(c) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy is to be applied as basic curriculum for this basic training course for law enforcement officers as administered by the Commission. Copies of this publication may be inspected at the office of the agency:



Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

(d) The "Basic Law Enforcement Training Course Management Guide" as published by the North Carolina Justice Academy is to be used by certified school directors in planning, implementing and delivering basic training courses. Each certified school director shall be issued a copy of the guide at the time of certification at no cost to the accredited school. The public may obtain copies of this guide from the Justice Academy.

*History Note: Filed as a Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12, 1984;*

*Authority G.S. 17C-6; 17C-10;*

*Eff. January 1, 1981;*

*Amended Eff. November 1, 1998; July 1, 1997; January 1, 1995; February 1, 1991; July 1, 1989.*

#### **.0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING**

(a) The instructor training course required for general instructor certification shall consist of a minimum of 80 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.

(c) Each instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |             |
|---|-------------|
| (1) Orientation and Pretest   | 2 1/2 Hours |
| (2) Curriculum Development: ISD Model                                       | 1 1/2 Hours |
| (3) Civil Liability for Law Enforcement Trainers                            | 2 Hours     |
| (4) Interpersonal Communication in Instruction                              | 6 Hours     |
| (5) Lesson Plan Preparation: Professional Resources                         | 1 1/2 Hours |
| (6) Lesson Plan Preparation: Format and Objectives                          | 6 Hours     |
| (7) Teaching Adults   | 6 Hours     |
| (8) Principles of Instruction: Demonstration Methods and Practical Exercise | 6 Hours     |
| (9) Methods and Strategies of Instruction                                   | 4 Hours     |
| (10) The Evaluation Process   | 4 Hours     |
| (11) Principles of Instruction: Audio-Visual Aids                           | 6 Hours     |
| (12) Student 10-Minute Talk and Video                                       |             |

Critique 6 Hours

(13) Student Performance:

First 30-Minute Presentation 7 1/2 Hours

Second 30-Minute Presentation 7 1/2 Hours

Final 80-Minute Presentation 12 Hours

(14) Examination 1 1/2 Hours

(d) The "Basic Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of basic instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be purchased from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. January 1, 1981;*

*Amended Eff. November 1, 1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985.*

#### **.0210 RADAR INSTRUCTOR TRAINING COURSE**

(a) The radar instructor training course shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a criminal justice radar instructor. This course shall be for a period not to exceed six consecutive weeks.

(b) The radar instructor training course required for radar instructor certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar Instructor Training Course. To qualify for radar instructor certification, an applicant shall meet the minimum requirements as outlined in The Radar Instructor Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(c) Each applicant for radar instructor training shall:

- (1) Present the endorsement of a commission-recognized school director or agency executive officer or his designee.
- (2) Possess criminal justice general instructor certification as required in 12 NCAC 9B .0302.
- (3) Possess a current and valid radar operator certification.

(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar instructor training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149



Raleigh, North Carolina 27602  
and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(e) Commission-accredited schools that are accredited to offer the "Radar Instructor Training Course" are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995;  
July 1, 1989; February 1, 1987; August 1, 1984.*

**.0211 TIME-DISTANCE INSTRUCTOR TRAINING COURSE**

(a) The time-distance instructor training course shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a time-distance instructor. This course shall be for a period not to exceed eight consecutive weeks.

(b) Each applicant for the time-distance speed measurement instrument instructor training course shall meet the minimum entry requirements of 12 NCAC 9B .0210(c)(1) and (2) and 12 NCAC 9B .0309. The time-distance instructor training course required for time-distance instructor certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Time-Distance Instructor Training Course. To qualify for time-distance instructor certification, an applicant shall meet the minimum requirements as outlined in The Time-Distance Instructor Training Course and meet the requirement of 12 NCAC 9B .0408 and .0409.

(c) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the criminal justice time-distance speed measurement instrument instructor training course for time-distance speed measurement instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(d) Commission-accredited schools that are accredited to offer the "Time Distance Instructor Training Course" are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. April 1, 1999; November 1, 1998; November 1, 1993; July 1, 1989; February 1, 1987; August 1, 1984.*

**.0212 CERTIFICATION TRAINING FOR RADAR OPERATORS**

(a) The radar operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a law enforcement radar operator. This course shall be for a period not to exceed four consecutive weeks.

(b) Only employed or appointed personnel of a law enforcement agency shall be enrolled in the radar operator training course. Such a trainee shall not be certified as a radar operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in radar operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or hold general law enforcement certification. The radar operator training course required for radar operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar Operator Training Course. To qualify for radar operator certification, an applicant shall meet the minimum requirements as outlined in The Radar Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(c) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar operator training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

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Post Office Box 99  
Salemberg, North Carolina 28385

*History Note: Filed as a Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;  
Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted w/change Eff. July 1, 1982;  
Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995;  
February 1, 1991; July 1, 1989; August 1, 1984.*

**.0213 CERTIFICATION TRAINING FOR RADAR/TIME-DISTANCE OPERATORS**

(a) The radar/time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a radar/time-distance operator. This course shall be for a period not to exceed four consecutive weeks.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the radar and time-distance speed measurement instrument operator training course. Such a trainee shall not be certified as a radar and time-distance speed measurement instrument operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in radar and time-distance speed measurement instrument operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The radar/time-distance operator training course required for radar/time-distance operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator certification, an applicant shall meet the minimum requirements as outlined in The Radar/Time-Distance Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(c) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar/time-distance operator training course for radar/time-distance instrument operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
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Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

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Post Office Box 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. November 1, 1981;*

*Readopted w/change Eff. July 1, 1982;*

*Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984.*

**.0214 CERTIFICATION TRAINING FOR TIME-DISTANCE OPERATORS**

(a) The time-distance operator training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform the function of a time-distance operator. This course shall not exceed four consecutive weeks.

(b) Only employed or appointed personnel of a law enforcement agency may be enrolled in the time-distance speed measurement operator training course. Such a trainee shall not be certified as a time-distance speed measurement operator until the basic law enforcement training course has been successfully completed and probationary or general law enforcement certification has been granted. Sheriffs, deputy sheriffs, and federal law enforcement personnel, including but not limited to armed forces personnel, shall be allowed to participate in time-distance speed measurement operator training courses on a space available basis at the discretion of the school director without having enrolled in or having successfully completed the basic law enforcement training course and without being currently certified in a probationary status or holding general law enforcement certification. The time-distance operator training course required for time-distance operator certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Time-Distance Operator Training Course. To qualify for time-distance operator certification, an applicant shall meet the minimum requirements as outlined in The Time-Distance Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(c) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time-distance operator training course for time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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and may be obtained at cost from the Academy at the following address:

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Post Office Box 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. November 1, 1981;*

*Readopted w/change Eff. July 1, 1982;*

*Amended Eff. April 1, 1999; November 1, 1998; August 1, 1995; February 1, 1991; July 1, 1989; August 1, 1984.*

**.0215 SUPPLEMENTAL SMI TRAINING**

(a) The supplemental speed measuring instrument (SMI) training course for law enforcement officers shall be designed to provide the trainee with the skills and knowledge to proficiently perform those tasks essential to function as an instructor or operator using the additional speed measuring instrument(s).

(b) Each applicant for supplemental speed measuring

instrument training shall:

- (1) possess a valid radar and/or time-distance speed measuring instrument instructor or operator certification as a result of successful completion of 12 NCAC 9B .0210, .0211, .0212, .0213 or .0214.
- (2) present the endorsement of a commission-recognized school director or agency executive officer or his designee.

(c) The supplemental SMI training course required for certification, on the additional instrument(s), shall include but not be limited to the topic areas and minimum number of hours as outlined in The Supplemental SMI Training Course. To qualify for certification, on the additional instrument(s), an applicant shall meet the minimum requirements as outlined in The Supplemental SMI Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(d) Certification as instructor and/or operator of the additional speed measuring instruments shall expire on midnight of the date of expiration of the instructor and/or operator certification referred to in 12 NCAC 9B .0215(b) and .0310(a).

(e) The "Supplemental SMI Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the supplemental SMI training course for SMI instructors or operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Supplemental SMI Training Course" for Instructors are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. November 1, 1981;  
Readopted Eff. July 1, 1982;  
Amended Eff. April 1, 1999.*

**.0218 RE-CERTIFICATION TRAINING FOR RADAR INSTRUCTORS**

(a) The radar instructor re-certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice radar instructor. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a radar instructor retraining course shall:

- (1) possess criminal justice general instructor certification as required in 12 NCAC 9B .0302;
- (2) have been certified as a radar instructor within the three years preceding the completion date of the

retraining course.

(c) The radar instructor re-certification training course required for radar instructor re-certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar Instructor Training Course. To qualify for radar instructor re-certification, an applicant shall meet the minimum requirements as outlined in The Radar Instructor Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(d) The "Radar Instructor Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar instructor re-certification training course for radar instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(e) Commission-accredited schools that are accredited to offer the "Radar Instructor Re-Certification Training Course" are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;  
Eff. July 1, 1983;  
Amended Eff. April 1, 1999; July 1, 1989; February 1, 1987.*

**.0219 RE-CERTIFICATION TRAINING FOR TIME-DISTANCE INSTRUCTORS**

(a) The time-distance instructor re-certification training course shall be designed to provide the instructor with the skills and knowledge to continue to proficiently perform the function of a criminal justice time-distance instructor. This course shall be presented within a period not to exceed one week.

(b) Each applicant for the time-distance instructor retraining course shall:

- (1) Meet the minimum entry requirements of 12 NCAC 9B .0218(b) and in addition thereto shall have successfully completed the retraining courses of 12 NCAC 9B .0218(c).
- (2) Have been certified as a time-distance instructor within the three years preceding the completion date of the retraining course.

(c) The time-distance instructor re-certification training course required for time-distance instructor re-certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Time-Distance Instructor Training Course. To qualify for time-distance instructor re-certification, an applicant shall meet the minimum requirements as outlined in The Time-Distance Instruct Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(d) The "Time-Distance Instructor Training Course" as published by the North Carolina Justice Academy is to be

applied as basic curriculum for the time-distance instructor re-certification training course for time-distance instructors as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(e) Commission-accredited schools that are accredited to offer the "Time-Distance Instructor Re-Certification Training Course" are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. July 1, 1983;*

*Amended Eff. April 1, 1999; July 1, 1989; February 1, 1987.*

#### **.0220 RE-CERTIFICATION COURSE FOR RADAR OPERATORS**

(a) The radar operator re-certification training course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a radar operator re-certification course shall meet the requirements of 12 NCAC 9C .0308(c) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in radar operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 9B .0220(b), but such personnel must have successfully completed the radar operator training course (12 NCAC 9B .0212) or the radar TD/SMI operator training course (12 NCAC 9B .0213).

(d) The radar operator re-certification training course required for radar operator re-certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar Operator Training Course. To qualify for radar operator re-certification, an applicant shall meet the minimum requirements as outlined in The Radar Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(e) The "Radar Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar operator re-certification training course for radar operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
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and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy

Post Office Box 99  
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*History Note: Filed as a Temporary Amendment Eff. February 24, 1984 for a period of 120 days to expire on June 22, 1984;*

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*Amended Eff. April 1, 1999; November 1, 1993; August 1, 1984.*

#### **.0221 RE-CERTIFICATION COURSE FOR RADAR/TIME-DISTANCE OPERATORS**

(a) The radar/time-distance operator re-certification training course shall be designed to provide the law enforcement officer with the skills and knowledge to continue to proficiently perform the function of a radar/time-distance operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a radar and time-distance operator re-certification course shall meet the requirements of 12 NCAC 9C .0308(c) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in radar and time-distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 9B .0221(b), but such personnel must have successfully completed the radar and TD/SMI operator training course (12 NCAC 9B .0213) or the radar operator training course (12 NCAC 9B .0212) and the TD/SMI operator training course (12 NCAC 9B .0214).

(d) The radar/time-distance operator re-certification training course required for radar/time-distance operator re-certification shall include but not be limited to the topic areas and minimum number of hours as outlined in The Radar/Time-Distance Operator Training Course. To qualify for radar/time-distance operator re-certification, an applicant shall meet the minimum requirements as outlined in The Radar/Time-Distance Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(e) The "Radar/Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the radar/time-distance operator re-certification training course for radar/time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

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Post Office Box 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. October 1, 1983;*

*Amended Eff. April 1, 1999; November 1, 1993; August 1, 1984.*

**.0222 RE-CERTIFICATION COURSE FOR TIME-DISTANCE OPERATORS**

(a) The time-distance operator re-certification training course shall be designed to provide the trainee with the skills and knowledge to continue to proficiently perform the function of a time-distance operator. This course shall be presented within a period not to exceed one week.

(b) Each applicant for a time-distance operator re-certification course shall meet the requirements of 12 NCAC 9C .0308(c) and (d).

(c) Federal law enforcement personnel shall be allowed to participate in time-distance operator re-certification courses at the discretion of the school director without meeting the requirements specified in 12 NCAC 9B .0222(b), but such personnel must have successfully completed the radar and TD/SMI operator training course (12 NCAC 9B .0213) or the TD/SMI operator training course (12 NCAC 9B .0214).

(d) The time-distance operator re-certification training course required for time-distance operator re-certification shall include but need not be limited to the topic areas and minimum number of hours as outlined in The Time-Distance Operator Training Course. To qualify for time-distance operator re-certification, an applicant shall meet the minimum requirements as outlined in The Time-Distance Operator Training Course and meet the requirements of 12 NCAC 9B .0408 and .0409.

(e) The "Time-Distance Operator Training Course" as published by the North Carolina Justice Academy is to be applied as basic curriculum for the time-distance operator re-certification training course for time-distance operators as administered by the Commission. Copies of this publication may be inspected at the office of the agency:

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North Carolina Department of Justice  
114 West Edenton Street  
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Post Office Box 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6;*

*Eff. October 1, 1983;*

*Amended Eff. April 1, 1999; November 1, 1993; July 1, 1989; August 1, 1984.*

**.0226 SPECIALIZED INSTRUCTOR TRAINING - FIREARMS**

(a) The instructor training course requirement for specialized firearms instructor certification shall consist of a minimum of 83 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each specialized firearms instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice firearms instructor in a "Basic Recruit Training -- Law Enforcement" course or a "Law Enforcement Officers's In-Service Firearms Training and

Qualification Program".

(c) Each applicant for specialized firearms instructor training shall:

- (1) have completed the criminal justice general instructor training course; and
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct firearms in "Basic Recruit Training--Law Enforcement" courses; or
- (3) present a written endorsement by a department head or certified school director indicating the student will be utilized to instruct firearms in a "Law Enforcement Officer's In-Service Firearms Training and Qualification Program"; and
- (4) possess a current valid CPR Certification.

(d) Each specialized firearms instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |          |
|---|----------|
| (1) Orientation/Pretest                         | 8 Hours  |
| (2) Range Operations                            | 38 Hours |
| (3) Civil Liability                             | 4 Hours  |
| (4) Night Firing                                | 2 Hours  |
| (5) Combat Shooting                             | 8 Hours  |
| (6) Mental Conditioning                         | 1 Hour   |
| (7) Shotgun Operation and Firing                | 4 Hours  |
| (8) Service Handgun - Operation and Use         | 5 Hours  |
| (9) Rifle - Operation and Maintenance           | 4 Hours  |
| (10) Service Handgun - Maintenance and Cleaning | 2 Hours  |
| (11) Range Medical Emergencies                  | 2 Hours  |
| (12) In-Service Firearms Requirements           | 2 Hours  |
| (13) BLET Lesson Plan Review/Post Test          | 3 Hours  |

(e) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of specialized firearms instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Instructor Training - Firearms" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. May 1, 1986;*

*Amended Eff. November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

**.0227 SPECIALIZED INSTRUCTOR TRAINING -**

**DRIVING**

(a) The instructor training course required for specialized driver instructor certification shall consist of a minimum of 35 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized driver instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice driver instructor in a "Basic Recruit Training - Law Enforcement" course.

(c) Each applicant for specialized driver instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct driving in "Basic Recruit Training--Law Enforcement" courses;
- (3) possess a valid operator driver's license;
- (4) maintain a safe driving record where no more than four points have been assigned against the driving record within the past three years; and,
- (5) possess a current valid CPR Certification.

(d) Each specialized driver instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |          |
|---|----------|
| (1) Orientation   | 1 Hour   |
| (2) Lesson Plan Review (BLET)                           | 4 Hours  |
| (3) General Mechanical Knowledge                        | 2 Hours  |
| (4) Before - Operation Inspection                       | 1 Hour   |
| (5) Laws of Natural Force & Operating Characteristics   | 4 Hours  |
| (6) Driver Practicum                                    | 16 Hours |
| (7) Fundamentals of Professional Liability for Trainers | 4 Hours  |
| (8) Course Review/State Exam                            | 3 Hours  |

(e) The "Specialized Driver Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of specialized driver instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Instructor Training - Driving" course are: The North Carolina Justice Academy and The North Carolina State Highway Patrol.

*History Note: Authority G.S. 17C-6;*

*Eff. May 1, 1986;*

*Amended Eff. November 1, 1998; August 1, 1995; February 1, 1991; March 1, 1990; July 1, 1989.*

**.0232 SPECIALIZED INSTRUCTOR TRAINING - DEFENSIVE TACTICS**

(a) The instructor training course required for specialized defensive tactics instructor certification shall consist of a minimum of 40 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized defensive tactics instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice defensive tactics instructor in a "Basic Recruit Training--Law Enforcement" course.

(c) Each applicant for specialized defensive tactics instructor training shall:

- (1) have completed the criminal justice general instructor training course;
- (2) present a letter from a licensed physician stating the applicant's physical fitness to participate in the course;
- (3) present a written endorsement by a certified school director indicating the student will be utilized to instruct defensive tactics in "Basic Recruit Training--Law Enforcement" courses; and,
- (4) possess a current valid CPR Certification.

(d) Each specialized defensive tactics instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |          |
|---|----------|
| (1) Orientation/Pretest                     | 4 Hours  |
| (2) Civil Liability                         | 4 Hours  |
| (3) Response to Injury                      | 4 Hours  |
| (4) Safety Rules                            | 2 Hours  |
| (5) Lesson Plan Review (BLET)               | 2 Hours  |
| (6) Defensive Tactics Instructional Methods | 24 Hours |

(e) The "Specialized Defensive Tactics Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of specialized defensive tactics instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Instructor Training - Defensive Tactics" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. February 1, 1987;*

*Amended Eff. November 1, 1998; August 1, 1995; March 1,*

1990; July 1, 1989.

**.0233 SPECIALIZED INSTRUCTOR TRAINING - PHYSICAL FITNESS**

(a) The instructor training course required for specialized physical fitness instructor certification shall consist of a minimum of 40 hours of instruction presented during a continuous period of not more than one week.

(b) Each specialized physical fitness instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice physical fitness instructor in a "Basic Recruit Training -- Law Enforcement" Course.

(c) Each applicant for specialized physical fitness training shall:

- (1) qualify through one of the following three options:
  - (A) have completed the criminal justice general instructor training course; or
  - (B) hold a current and valid North Carolina Teacher's Certificate and hold a minimum of a baccalaureate degree in physical education and be actively teaching in physical education topics; or
  - (C) be presently instructing physical education topics in a community college, college or university and hold a minimum of a baccalaureate degree in physical education; and
- (2) present a written endorsement by a certified school director indicating the student will be utilized to instruct physical fitness in "Basic Recruit Training -- Law Enforcement" courses; and
- (3) present a letter from a physician stating fitness to participate in the course; and,
- (4) possess a current valid CPR Certification.

(d) Each specialized physical fitness instructor training course shall include as a minimum the following identified topic areas and minimum instructional hours for each area:

- |   |          |
|---|----------|
| (1) Orientation   | 1 Hour   |
| (2) Lesson Plan Review  | 2 Hours  |
| (3) Physical Fitness Assessments, Exercise Programs and Instructional Methods | 26 Hours |
| (4) Injury Care and Prevention  | 3 Hours  |
| (5) Nutrition   | 3 Hours  |
| (6) Civil Liabilities for Trainers  | 3 Hours  |
| (7) Examination   | 2 Hours  |

(e) The "Physical Fitness Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for delivery of specialized physical fitness instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at no cost to the student from the Academy at the following address:

North Carolina Justice Academy  
Post Office Box 99  
Salemberg, North Carolina 28385

(f) Commission-accredited schools that are accredited to offer the "Specialized Instructor Training -- Physical Fitness" course are: The North Carolina Justice Academy.

*History Note: Authority G.S. 17C-6;*

*Eff. July 1, 1989;*

*Amended Eff. November 1, 1998; August 1, 1995; March 1, 1990.*

**SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS**

**.0310 TERMS AND CONDITIONS -- SMI INSTRUCTORS**

(a) The term of a Speed Measurement Instrument (SMI) instructor, which includes radar, time-distance speed measurement instrument, and LIDAR instructors, is three years from the date the Commission issues the certificate, unless sooner terminated by the Commission. The certificate may be renewed for subsequent three year periods. The SMI instructor desiring renewal shall:

- (1) Hold general instructor certification as required in 12 NCAC 9B .0303.
- (2) Have been active in the SMI classroom instructional process during the previous certification period.
- (3) Successfully complete a commission-approved SMI instructor re-certification course as required in 12 NCAC 9B .0218 or .0219.

(b) All SMI instructors seeking re-certification shall successfully complete the re-certification course within 12 months from expiration of the initial certification period or re-certification period. If re-certification training is not obtained within the 12-month period, successful completion of the appropriate instructor training program as required in 12 NCAC 9B .0308 will be required to obtain instructor certification. This prescribed 12-month period does not extend the instructor certification period.

*History Note: Authority G.S. 17C-6;*

*Eff. November 1, 1981;*

*Readopted Eff. July 1, 1982;*

*Amended Eff. April 1, 1999; November 1, 1993; February 1, 1991; July 1, 1989; December 1, 1987.*

**SECTION .0400 - MINIMUM STANDARDS FOR COMPLETION OF TRAINING**

**.0408 COMPREHENSIVE WRITTEN EXAMINATION -- BASIC SMI CERTIFICATION**

(a) At the conclusion of the classroom instruction portion of a school's offering of any speed measurement instrument operators' courses and re-certification courses, an authorized representative of the Commission shall administer to all candidates for certification as operators a comprehensive written



examination.

(b) The examination shall be an objective test covering the topic areas contained in the accredited course curriculum.

(c) The Commission's representative shall submit to the school director within five days of the administration of the examination a report of the results of the test for each candidate for certification.

(d) A trainee shall pass the operating training course as required in 12 NCAC 9B .0212, .0213, and .0214 by achieving a minimum of 70 percent correct answers.

(e) An operator seeking recertification shall pass the operator training recertification courses as specified in 12 NCAC 9B .0220, .0221 and .0222 by achieving a minimum of 75 percent correct answers.

(f) A trainee who has fully participated in a scheduled delivery of an accredited training course and has demonstrated 100 percent competence in each motor-skill or performance area of the course curriculum but has failed to achieve the minimum score, as specified in Paragraph (d) of this Rule, on the Commission's comprehensive written examination may request the director of the Standards Division to authorize a re-examination of the trainee.

- (1) The trainee's request for re-examination shall be made in writing on the Commission's form and shall be received by the Standards Division within 30 days of the examination.
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course.
- (3) A trainee shall have, within 90 days of the original examination, only one opportunity for re-examination and shall satisfactorily complete the subsequent examination in its entirety.
- (4) The trainee will be notified by the Standards Division staff of a place, time, and date for re-examination.
- (5) If the trainee fails to achieve the prescribed minimum score on the re-examination, the trainee may not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

*History Note: Authority G.S. 17C-6;*

*Eff. November 1, 1981;*

*Readopted Eff. July 1, 1982;*

*Amended Eff. April 1, 1999; December 1, 1987; October 1, 1983; April 1, 1983.*

#### **.0409 SATISFACTION OF MINIMUM TRAINING -- SMI OPERATORS**

(a) To satisfy the minimum training requirements for operator certification, a trainee shall complete all of the following:

- (1) achieve a score of 70 percent correct answers on the comprehensive written examination, provided for in 12 NCAC 9B .0408(d).
- (2) demonstrate successful completion of an accredited offering of courses as prescribed under either 12 NCAC 9B .0212, .0213, .0214 or .0215 as shown by the certification of the school director.

(3) demonstrate 100 percent proficiency in the motor-skill and performance subject areas as demonstrated to a certified Speed Measurement Instrument (SMI) instructor and further evidenced through documentation on the Commission's SMI forms and by the subscribing instructor's certification of trainee competence.

(4) present evidence showing prior North Carolina certification in a commission-accredited operator training course as prescribed in 12 NCAC 9B .0212 or 12 NCAC 9B .0213, or present evidence showing prior certification which meets or exceeds North Carolina certification, or present evidence showing completion of 16 hours of supervised field practice within 90 days after completing a commission-accredited radar operator training course as prescribed in 12 NCAC 9B .0212 or 12 NCAC 9B .0213.

(b) Any trainee failing to achieve 100 percent proficiency in the motor-skill area may request written permission from the Director of the Standards Division for re-examination.

- (1) The trainee's request for re-examination shall be made in writing and must be received by the Standards Division within 30 days of the original examination.
- (2) The trainee's request for re-examination shall include the favorable recommendation of the school director who administered the course.
- (3) A trainee shall have, within 90 days of the original examination, only one opportunity for motor-skill re-examination and must satisfactorily complete each identified area of deficiency on the original motor-skill examination.
- (4) The trainee will be notified by the Standards Division staff of a place, time and date for re-examination.
- (5) If the trainee fails to achieve the prescribed minimum score on the examination, the trainee will not be recommended for certification and shall enroll and complete a subsequent course offering in its entirety before further examination may be permitted.

(c) To satisfy the minimum training requirements for operator re-certification, an operator seeking re-certification shall:

- (1) Achieve a score of 75 percent correct answers on the comprehensive written examination provided for in 12 NCAC 9B .0408(e).
- (2) Demonstrate successful completion of an accredited offering of courses as prescribed under either 12 NCAC 9B .0218, .0219, .0220, .0221, or .0222 as shown by the certification of the school director.
- (3) Satisfy all motor-skill requirements as required in 12 NCAC 9B .0409(a)(3).

(d) At the time a trainee seeking operator re-certification fails to achieve the prescribed minimum requirements on the comprehensive written examination as specified in 12 NCAC 9B .0409(c)(1), certification of the officer automatically and immediately terminates and that officer will not be re-certified until successful completion of a subsequent course offering as prescribed under either 12 NCAC 9B .0212, .0213, or .0214 before further examination may be permitted.



(e) At the time a trainee seeking operator re-certification fails to achieve the prescribed minimum motor-skill requirements as specified in 12 NCAC 9B .0409(c)(3), certification of the officer automatically and immediately terminates and that officer shall not be re-certified until successful completion of the required motor-skill testing. Provided, however, such an officer may request re-examination as prescribed in 12 NCAC 9B .0409(b).

*History Note: Authority G.S. 17C-6;*

*Eff. November 1, 1981;*

*Readopted w/change Eff. July 1, 1982;*

*Amended Eff. April 1, 1999; December 1, 1987; August 1, 1984;*

*October 1, 1983; April 1, 1983.*

**.0416 SATISFACTION OF MINIMUM TRAINING -- SMI INSTRUCTOR**

(a) To acquire successful completion of the "Speed Measurement Instrument (SMI) Instructor Training Courses," and the "SMI Instructor Re-Certification Courses", the trainee shall:

- (1) satisfactorily complete all required course work as specified in Rules .0210, .0211, .0218, and .0219 of this Subchapter for the specific course in attendance; and
- (2) achieve a score of 75 percent correct answers on a commission-administered comprehensive written examination.

(b) If the trainee passes the written examination but fails to meet the minimum criteria on an area of motor-skills testing, he/she shall be authorized one opportunity for a re-test. Such re-test must be at the recommendation of the school director and a request must be made to the Standards Division within 30 days of the original testing. Re-examination must be completed within 90 days of the original testing. Failure on the re-test requires enrollment in a subsequent SMI operator course and an SMI instructor course.

*History Note: Authority G.S. 17C-6; 17C-10;*

*Eff. February 1, 1987;*

*Amended Eff. April 1, 1999.*

**SUBCHAPTER 9C - ADMINISTRATION OF  
CRIMINAL JUSTICE EDUCATION AND TRAINING  
STANDARDS**

**SECTION .0300 - CERTIFICATION OF CRIMINAL  
JUSTICE OFFICERS**

**.0308 SPEED MEASUREMENT INSTRUMENT (SMI)  
OPERATORS CERTIFICATION PROGRAM**

(a) Certification shall be issued in one of the following categories:

- (1) radar operator Speed Measurement Instrument (SMI) certification or re-certification requiring successful completion of the training program as required in 12 NCAC 9B .0210, .0211, .0212, .0213, .0218, .0219, .0220, .0221, or .0222;
- (2) radar and time-distance speed measurement

instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 9B .0211, .0213, .0219, or .0221;

- (3) time-distance speed measurement instrument operator certification or re-certification requiring successful completion of the training program as required in 12 NCAC 9B .0211, .0213, .0214, .0219, .0221, or .0222.

(b) Certification in either category will reflect operational proficiency in the designated type(s) of approved equipment for which the trainee has been examined and tested. Such certification shall be for a three year period from the date of issue and re-certifications shall be for a three year period from the date of issue, unless sooner terminated by the Commission. At a minimum, the applicant shall meet the following requirements for operator certification or re-certification within 90 days of course completion and upon the presentation of documentary evidence showing that the applicant:

- (1) has successfully completed the training program as required in 12 NCAC 9B .0210, .0211, .0212, .0213, .0214, .0218, .0219, .0220, .0221, or .0222; and
- (2) has successfully completed a commission-accredited basic law enforcement training course as required in 12 NCAC 9B .0400 and is currently certified in a probationary status or holds general law enforcement certification; or
- (3) if the applicant is a sheriff, deputy sheriff, or other sworn appointee with arrest authority governed by the provisions of G.S. 17E has met and is in total compliance with the then current employment and training standards as established and made effective for such position by the North Carolina Sheriffs' Education and Training Standards Commission.

(c) Certified operators shall be notified by the Commission not less than 90 days prior to expiration of certification. All applicants for re-certification shall successfully complete a commission-approved re-certification course within 12 months from the expiration of the previous certification. If re-certification is not obtained within the 12 month period, successful completion of the appropriate operator training programs as required by 12 NCAC 9B .0409(a) will be required to obtain operator certification. This prescribed 12 month period shall not extend the operator certification period beyond its specified expiration date. When a re-certification course is successfully completed prior to the expiration of the previous certification, the new certification shall be issued by the Criminal Justice Standards Division effective upon the receipt of the Post-delivery Report of Training Course Presentation.

(d) Operator re-certification shall be issued only to officers with current law enforcement certification.

(e) All certifications issued pursuant to this Rule and the standards in effect between November 1, 1981 and July 1, 1982 shall continue with full force and effect; however, said certifications shall be subject to the provisions of 12 NCAC 9C .0308(c) and (d).

*History Note: Filed as a Temporary Amendment Eff.*

February 24, 1984, for a period of 120 days to expire on June 22, 1984;  
 Authority G.S. 17C-6;  
 Eff. November 1, 1981;  
 Readopted w/change Eff. July 1, 1982;  
 Amended Eff. April 1, 1999; November 1, 1993; March 1, 1992;  
 February 1, 1991; December 1, 1987.

## **SECTION .0600 - EQUIPMENT AND PROCEDURES**

### **.0601 APPROVED SPEED-MEASURING INSTRUMENTS**

The following procedures shall be adhered to for approval of speed-measuring instruments:

- (1) Prior to the inclusion as an approved speed-measuring instrument, the manufacturer of said instrument shall certify in writing to the Criminal Justice Standards Division that said instrument meets or exceeds the applicable standards set out in the "Model Performance Specifications for Police Traffic Radar Devices" as published by the National Highway Traffic Safety Administration, United States Department of Transportation (as in effect July 1, 1982) which is hereby incorporated by reference, and shall automatically include any later amendments and editions of the incorporated material as provided by G.S. 150B-21.6. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 114 West Edenton Street  
 Old Education Building  
 Post Office Drawer 149  
 Raleigh, North Carolina 27602

and may be obtained at no cost from the National Highway Traffic Safety Administration at the following address:

National Highway Traffic Safety Administration  
 400 Seventh Street, SW  
 Washington, DC 20590

The manufacturer shall provide evidence that the instrument meets or exceeds the applicable standards published by the National Highway Traffic Safety Administration, United States Department of Transportation.

- (2) All speed-measuring instruments shall be evaluated by representatives from the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Department of Crime Control and Public Safety. A summary of the findings shall be submitted in writing to the Criminal Justice Standards Division's Radar Program Administrator.
- (3) A current list of all approved speed-measuring instruments shall be included in all speed-measuring instrument operator training course manuals published by the North Carolina Justice Academy.

- (4) The "Speed-Measurement Instrument Operator Training Course Manual" as published by the North Carolina Justice Academy is to be applied as the basic curriculum for the speed-measuring instrument operator training courses for speed-measuring instrument operators as administered by the North Carolina Criminal Justice Education and Training Standards Commission. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 114 West Edenton Street  
 Old Education Building  
 Post Office Drawer 149  
 Raleigh, North Carolina 27602

and may be obtained from the Academy at the following address:

North Carolina Justice Academy  
 Post Office Box 99  
 Salemburg, North Carolina 28385

*History Note: Authority G.S. 17C-6;  
 Eff. November 1, 1981;  
 Readopted w/change Eff. July 1, 1982;  
 Amended Eff. November 1, 1998; August 1, 1998; August 1, 1995; January 1, 1995; November 1, 1993; February 1, 1991.*

## **SUBCHAPTER 9E - IN-SERVICE TRAINING PROGRAMS**

### **SECTION .0100 - LAW ENFORCEMENT OFFICER'S IN-SERVICE TRAINING PROGRAM**

#### **.0105 MINIMUM TRAINING SPECIFICATIONS**

At a minimum, the following specifications shall be incorporated in the agency's annual in-service firearms training and qualification course:

- (1) Use of Force: review the authority to use deadly force [G.S. 15A-401(d)(2)] including the relevant case law and materials.
- (2) Safety:
  - (a) range rules and regulations;
  - (b) handling of a firearm;
  - (c) malfunctions.
- (3) Review of Basic Marksmanship Fundamentals:
  - (a) grip, stance, breath control and trigger squeeze;
  - (b) sight and alignment/sight picture;
  - (c) nomenclature.
- (4) The "Specialized Firearms Instructor Training Manual" as published by the North Carolina Justice Academy is to be applied as a minimum guide for conducting the annual in-service firearms training program. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division  
 North Carolina Department of Justice  
 114 West Edenton Street

Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. November 1, 1998.*

**.0106 IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS**

(a) All certified law enforcement officers shall be required to qualify with their individual and department-approved service handgun(s) a minimum of once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training -- Law Enforcement Officers" course requirements for firearms qualification.

(b) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle or automatic weapon shall be required to qualify with each weapon respectively a minimum of once each calendar year.

(c) Qualification shall be completed with duty equipment and duty ammunition for all weapons.

(d) All certified law enforcement officers who are authorized to carry an off-duty handgun(s) shall be required to qualify with each such handgun consistent with the specifications as outlined in Rules .0105 and .0106(a) and (g) of this Section.

(e) To satisfy the minimum training requirements for all in-service firearms qualifications, an officer shall attain a minimum of 70 percent accuracy with each weapon.

(f) Qualification must be achieved at least once in no more than three attempts in a single day for all courses of fire and for all weapons for which qualification is required. Individuals not qualifying in a single day shall be deemed as having failed and 12 NCAC 9E Rule .0103(4) and (5) shall apply.

(g) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy is to be applied as a minimum guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

and may be obtained at cost from the Academy at the following address:

North Carolina Justice Academy  
Post Office Drawer 99  
Salemberg, North Carolina 28385

*History Note: Authority G.S. 17C-6; 17C-10;  
Eff. July 1, 1989;  
Amended Eff. November 1, 1998; March 1, 1992.*

**SUBCHAPTER 9F - CONCEALED HANDGUN TRAINING**

**SECTION .0100 - CONCEALED HANDGUN TRAINING PROGRAM**

**.0107 FILING AND FEES**

(a) Each instructor of an approved course shall file a copy of the firearms course description, outline, and proof of instructor certification annually, or upon modification of the course if more frequently, with the Commission. A fee of fifty dollars (\$50.00) shall be submitted for the initial and annual filing of a course. If modification of the course occurs before the renewal filing date, a fee of twenty-five dollars (\$25.00) shall be charged.

(b) Instructors shall, in writing, request the number of certificates needed and shall remit a fee of one dollar (\$1.00) per certificate with a minimum request of 25 certificates per instructor. Certificates may be obtained at the office of the agency:

Criminal Justice Standards Division  
North Carolina Department of Justice  
114 West Edenton Street  
Old Education Building  
Post Office Drawer 149  
Raleigh, North Carolina 27602

All such fees shall be paid by certified check made payable to the North Carolina Department of Justice.

*History Note: Temporary Adoption Eff. November 1, 1995;  
Authority G.S. 14-415.12; 1995 S.L., c. 507 s. 22;  
Eff. May 1, 1996;  
Amended Eff. November 1, 1998.*

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**CHAPTER 11 - NC ALARM SYSTEMS LICENSING BOARD**

**SECTION .0500 - CONTINUING EDUCATION FOR LICENSEES**

**.0502 DEFINITIONS**

In addition to the definitions set forth in 12 NCAC 11 .0103, the following definitions shall apply to this Section:

- (1) "continuing licensee education" or "CLE" refers to any educational activity approved by the Board to be a continuing education activity.
- (2) "credit hour" means 60 minutes of continuing education instruction.
- (3) "year" refers to the calendar year after the issuance of a new or renewal license.
- (4) "licensee" shall refer to an individual who holds an alarm systems business license issued by the Board.
- (5) "registrant" shall refer to an individual who holds an alarm systems business registration permit issued by the Board. Only registrants who engage in installation, service, sales, or monitoring of alarm

systems shall be required to complete the continuing education requirements.

*History Note: Authority G.S. 74D-2; 74D-5;  
Eff. May 1, 1999.*

**.0504 ACCREDITATION STANDARDS**

(a) CLE courses may obtain the sanction of the Alarm Systems Licensing Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the identity of each instructor.

(b) To determine if a course will receive sanctioning from the Alarm Systems Licensing Board, the Board shall complete the following review:

- (1) The matter will be referred to the Education and Training Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall consist of at least one member of the Education and Training Committee, one member of the Board's staff, and one industry licensee who has no vested interest in the course. Other members of the sub-committee may be appointed at the discretion of the Education and Training Committee Chairman.
- (2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives.
- (3) When the sub-committee completes its review, it shall report to the Education and Training Committee. The Education and Training Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objective. The Education and Training Committee shall then report the findings with a recommendation of acceptance or denial to the Alarm Systems Licensing Board.

(c) Upon receipt of the Education and Training Committee report, the Alarm Systems Licensing Board will determine by majority vote if the course will be sanctioned for continuing licensee education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objective.

*History Note: Authority G.S. 74D-2; 74D-5;  
Eff. May 1, 1999.*

**.0505 NON-RESIDENT LICENSEES AND CLE CREDITS**

A non-resident licensee shall obtain the required continuing licensee education credits as set forth in 12 NCAC 11 .0503. If a non-resident licensee resides in a state that requires continuing education for an alarm systems business license, then the continuing education courses to be offered in the state of

residence may be considered by the North Carolina Alarm Systems Licensing Board for sanctioning in North Carolina on an individual course basis. In determining if the course is to be sanctioned, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objective.

*History Note: Authority G.S. 74D-2; 74D-5;  
Eff. May 1, 1999.*

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**TITLE 14A - DEPARTMENT OF CRIME CONTROL  
AND PUBLIC SAFETY**

**CHAPTER 7 - DIVISION OF GOVERNOR'S CRIME  
COMMISSION**

**SECTION .0300 - GRANT APPLICATION PROCESS  
AND ADMINISTRATION**

**.0313 TIME LIMITATION ON FEDERAL FUNDING**

Grantees may receive up to two years of funding on a project, at such ratios of federal funds to matching state or local funds as may be specified by each particular federal grant program or relevant guidelines. Projects may be considered for one or more additional grant periods consistent with federal regulations and subject to availability of funds.

*History Note: Authority G.S. 143B-477; 143B-479;  
Eff. April 1, 1988;  
Amended Eff. May 10, 1998.*

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**TITLE 15A - DEPARTMENT OF ENVIRONMENT  
AND NATURAL RESOURCES**

**CHAPTER 7 - COASTAL MANAGEMENT**

**SUBCHAPTER 7H - STATE GUIDELINES FOR  
AREAS OF ENVIRONMENTAL CONCERN**

**SECTION .1700 - GENERAL PERMIT FOR  
EMERGENCY WORK REQUIRING A CAMA AND/OR  
A DREDGE AND FILL PERMIT**

**.1705 SPECIFIC CONDITIONS**

(a) Temporary Erosion Control Structures in the Ocean Hazard AEC.

- (1) Permittable temporary erosion control structures shall be limited to sandbags placed above mean high water and parallel to the shore.
- (2) Temporary erosion control structures as defined in Subparagraph (1) of this Paragraph may be used only to protect imminently threatened roads and associated right of ways, and buildings and associated septic systems. A structure will be considered to be imminently threatened if its foundation, septic system,

or, right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is not obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, tend to increase the risk of imminent damage to the structure.

- (3) Temporary erosion control structures may be used to protect only the principal structure and its associated septic system, but not such appurtenances as gazebos, decks or any amenity that is allowed as an exception to the erosion setback requirement.
- (4) Temporary erosion control structures may be placed seaward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.
- (5) Temporary erosion control structures must not extend more than 20 feet past the sides of the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet seaward of the structure to be protected or the right-of-way in the case of roads.
- (6) The permittee shall be responsible for the removal of remnants of all or portions of any damaged temporary erosion control structure.
- (7) A temporary erosion control structure may remain in place for up to two years after the date of approval if it is protecting a building with a total floor area of 5000 sq. ft. or less, or, for up to five years if the building has a total floor area of more than 5000 sq. ft. A temporary erosion control structure may remain in place for up to five years if it is protecting a bridge or a road. The property owner shall be responsible for removal of the temporary structure within 30 days of the end of the allowable time period. A temporary erosion control structure may remain in place for up to five years regardless of the size of the structure if the community in which it is located is actively pursuing a beach nourishment project. For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment project if it has:
  - (A) been issued a CAMA permit approving such project, or
  - (B) been deemed worthy of further consideration by a U.S. Army Corps of Engineers' Beach Nourishment Reconnaissance Study, or
  - (C) received a favorable economic evaluation report on a federal project approved prior to 1986.
- (8) Once the temporary erosion control structure is determined to be unnecessary due to relocation or removal of the threatened structure, it must be removed by the permittee within 30 days.
- (9) Removal of temporary erosion control structures shall not be required if they are covered by dunes with vegetation sufficient to be considered stable and

natural.

- (10) Sandbags used to construct temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the structure shall not exceed 20 feet, and the height shall not exceed six feet.
- (11) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.
- (12) Excavation below mean high water in the Ocean Hazard AEC may be allowed to obtain material to fill sandbags used for emergency protection.
- (13) An imminently threatened structure may only be protected once regardless of ownership. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Subparagraph (7) of this Paragraph shall begin at the time the initial erosion control structure is installed. For the purpose of this Rule:
  - (A) a building and septic system will be considered as separate structures.
  - (B) a road or highway shall be allowed to be incrementally protected as sections become imminently threatened. The time period for removal of each section of sandbags shall begin at the time that section is installed in accordance with Subparagraph (7) of this Paragraph.
- (14) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Subparagraph (7) of this Paragraph.
- (15) Existing sandbag structures that have been properly installed prior to May 1, 1995 shall be allowed to remain in place according to the provisions of Subparagraphs (7), (8) and (9) of this Paragraph with the pertinent time periods beginning on May 1, 1995.
  - (b) Erosion Control Structures in the Estuarine Shoreline, Estuarine Waters, and Public Trust AECs. Work permitted by this general permit shall be subject to the following limitations:
    - (1) no work shall be permitted other than that which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;
    - (2) the erosion control structure shall be located no more than 20 feet waterward of the endangered structure;
    - (3) fill material used in conjunction with emergency work for storm or erosion control in the Estuarine Shoreline, Estuarine Waters and Public Trust AECs shall be obtained from an upland source.
  - (c) Protection, Rehabilitation, or Temporary Relocation of Public Facilities or Transportation Corridors.
    - (1) Work permitted by this general permit shall be subject to the following limitations:
      - (A) no work shall be permitted other than that

which is necessary to reasonably protect against or reduce the imminent danger caused by the emergency or to restore the damaged property to its condition immediately before the emergency;

- (B) the erosion control structure shall be located no more than 20 feet waterward of the endangered structure;
  - (C) any fill materials used in conjunction with emergency work for storm or erosion control shall be obtained from an upland source except that dredging for fill material to protect public facilities or transportation corridors will be considered in accordance with the standards in 15A NCAC 7H .0208;
  - (D) all fill materials or structures associated with temporary relocations which are located within Coastal Wetlands, Estuarine Water, or Public Trust AECs shall be removed after the emergency event has ended and the area restored to pre-disturbed conditions.
- (2) This permit only authorizes the immediate protection or temporary rehabilitation or relocation of existing public facilities. Long-term stabilization or relocation of public facilities shall be consistent with local governments' post-disaster recovery plans and policies which are part of their Land Use Plans.

*History Note: Authority G.S. 113-229(c); 113A-107(a),(b); 113A-113(b); 113A-118.1;*  
*Eff. November 1, 1985;*  
*Amended Eff. April 1, 1999; February 1, 1996; June 1, 1995.*

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## CHAPTER 16 - ADULT HEALTH

### SUBCHAPTER 16A - MIGRANT HEALTH

#### SECTION .0100 - GENERAL

##### .0106 ELIGIBLE MIGRANTS

All migrants are eligible for participation in the fee-for-service reimbursement aspect of the program. Migrant status shall be determined by the provider of medical care services and certified by a Migrant (Farmworker) Health Program Eligibility Application form (DHHS 3753) signed by the patient, a person responsible for the patient, or the provider. There are no financial eligibility requirements.

*History Note: Authority G.S. 130A-223;*  
*Eff. January 1, 1983;*  
*Amended Eff. October 1, 1990;*  
*Amended Eff. April 1, 1999.*

##### .0108 AUTHORIZATION

*History Note: Authority G.S. 130A-223;*

*Eff. January 1, 1983;*

*Amended Eff. October 1, 1990; January 1, 1986; July 1, 1983;*

*Repealed Eff. April 1, 1999.*

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## CHAPTER 18 - ENVIRONMENTAL HEALTH

### SUBCHAPTER 18A - SANITATION

#### SECTION .2500 - PUBLIC SWIMMING POOLS

##### .2526 DRESSING AND SANITARY FACILITIES

(a) Dressing and sanitary facilities shall be provided at all pools, except for pools at hotels, motels, condominiums, and apartments where pool use is restricted to residents or guests. At hotels, motels, condominiums and apartments where the farthest unit is more than 300 feet from the pool, as measured along walkways provided for access by residents or guests to the pool area, a toilet shall be provided.

(b) Partitions shall be of durable material, not subject to damage by water and shall be designed so that a waterway is provided between partitions and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.

(c) Floors of the dressing facility shall be continuous throughout the areas. Floors shall have a slip-resistant surface that shall be relatively smooth, to insure complete cleaning. Floor drains shall be provided, and floors shall be sloped not less than 1/4 inch per foot toward the drains to insure positive drainage.

(d) Hose bibs shall be provided such that all parts of the dressing facility interior can be reached with a 50 foot hose.

(e) The minimum criteria for dressing and sanitary facilities shall be based upon the maximum bather load.

(f) One water closet, one lavatory, and one urinal shall be provided for the first 100 male users. One additional water closet, lavatory, and urinal shall be provided for each additional 200 male users or major fraction thereof up to a total of 500 users. Where user load exceeds 500 male users, two additional water closets or urinals and one lavatory shall be provided for each additional 250 male users. Where the maximum bather load includes less than 50 male users, one water closet and one lavatory will be sufficient.

(g) Two water closets and two lavatories shall be provided for the first 100 female users. One additional water closet and lavatory shall be provided for each additional 100 female users or major fraction thereof up to a total of 500 users. Where user load exceeds 500 female users, two additional water closets and one lavatory shall be provided for each additional 250 female users. Where the maximum bather load includes less than 50 female users, one water closet and one lavatory will be sufficient.

(h) Showers shall be provided in the proportion of one for each 200 persons at the time of maximum bather load.

(i) The water heater shall be inaccessible to users. The system shall be designed such that water temperature at the shower heads and lavatories cannot exceed 110° Fahrenheit.

(j) Soap dispensers for providing either liquid or powdered

soap shall be provided at each lavatory or inside shower. The dispenser shall be of all metal or plastic type, with no glass permitted in these units.

(k) If mirrors are provided, they shall be of shatterproof materials.

(l) Toilet paper holders shall be provided at each water closet combination.

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.*

## **.2528 FENCES**

Swimming pools shall be protected by a fence, wall, building, or other enclosure, or any combination thereof, which completely encloses the swimming pool area such that all of the following conditions are met:

- (1) Constructed so as to afford no external handholds or footholds. However, the use of wire mesh fences with a mesh size of 2¼ inches or less is permitted;
- (2) A four foot (1.22 m) minimum height (from the outside approach) is provided entirely around the swimming pool;
- (3) The horizontal space between vertical members of the enclosure shall not exceed four inches: where the horizontal space between vertical members exceeds 1 3/4 inches there shall be at least 30 inches between any horizontal bottom rails or stringers and the next horizontal rails or stringers;
- (4) The height of any opening under the bottom of the enclosure shall not exceed four inches (10 cm);
- (5) Openings under and through a fringe or barrier with the gate(s) closed shall be sized so that a 4½ inch diameter sphere cannot be passed through the openings;
- (6) All gates and doors shall be equipped with self-closing and positive self-latching closure mechanisms and shall be equipped with locking devices. Gates provided to allow bathers access to the pool shall be located so as to open to the pool at a point where the water is less than five feet deep. On pools built after May 1, 1996, access gates shall open away from the pool except when natural topography or other conditions dictate that it open inward. Release of the latch on the self-latching device shall be activated:
  - (a) at a height no less than 54 inches above grade for wire mesh access gates and at a height no less than 54 inches above the horizontal bottom rail of a picket/ornamental access gate; or
  - (b) on the pool side of the gate at a distance of no less than three inches below the top of the gate provided. On fences constructed after April 1, 2000 there shall be no opening greater than one-half inch within 18 inches of where the latch release is activated when the gate is closed.
- (7) Gates provided specifically for access to equipment

rooms shall be locked at all times when not in use by the pool operator;

- (8) Ground level doors and windows opening inside the pool enclosure must be self-closing or child protected; and
- (9) Self-closing, self-latching gates shall not be required for gates which are kept locked, or for entrances where access is controlled by a gate attendant and a lifeguard is on duty in the pool area.

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.*

## **.2530 SAFETY PROVISIONS**

(a) Swimming pools shall have lifesaving equipment conspicuously and conveniently on hand at all times. A unit of lifesaving equipment shall include the following:

- (1) A light, strong pole not less than 12 feet long, including a body hook.
- (2) A minimum ¼ inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a U.S. Coast Guard approved ring buoy. A rescue tube or rescue can shall be accepted as a substitute for the ring buoy where it is accompanied by a lifeguard who has been trained to use it properly.

(b) Two units of lifesaving equipment must be provided for any pool which exceeds 3,000 square feet (186 sq m) of total surface area.

(c) When a swimming pool does not have at least one lifeguard on duty, a sign shall be posted which has clearly legible letters of at least four inches (10 cm) in height stating: "WARNING-NO LIFEGUARD ON DUTY." In addition there shall be signs stating: "CHILDREN SHOULD NOT USE THE SWIMMING POOL WITHOUT ADULT SUPERVISION", and: "ADULTS SHOULD NOT SWIM ALONE". Wading pools which do not have a lifeguard inside the wading pool enclosure shall have a sign posted stating "WARNING NO LIFEGUARD ON DUTY". Such signs shall be mounted permanently.

(d) A sign prohibiting pets and glass containers in the pool area shall be provided.

(e) Effective April 1, 2000 a telephone capable of directly dialing 911 or other emergency notification system shall be provided and accessible to all pool users within 300 feet of the pool.

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.*

## **.2531 WADING POOLS**

Wading pools shall meet all design specifications for swimming pools and wading pools included in Rules .2512-.2530 of this Section with the following exceptions:

- (1) Wading pools shall be physically separate from other



public swimming pools except that a fill pipe and valve from a swimming pool recirculation system can be used to introduce water to a wading pool.

- (2) Every wading pool shall be equipped with a circulation system which is separate from, and independent of, the circulation system of the swimming pool. Such circulation system shall at least consist of a circulating pump, piping, a filter, a rate-of-flow meter, a disinfectant feeder, two inlets, two main drains with "T" connecting piping, and one automatic surface skimmer. Individual components of a wading pool system must meet the criteria of Rule .2518 of this Section.
- (3) The capacity of the circulation system shall be capable of filtering and disinfecting the entire volume of water in the wading pool 12 times in every 24 hours.
- (4) Wading pools shall be equipped with main drains located at the deepest point of the wading pool and covered by gratings which meet the requirements of Rule .2518(k) of this Section.
- (5) Wading pools shall be equipped with a surface overflow system capable of removing floating material.
- (6) Wading pools shall not be deeper than 24 inches (61 cm) at the deepest point.
- (7) Wading pools' floor slope shall not exceed one foot in 12 feet.
- (8) Wading pools shall be located in the vicinity of the shallow end of the swimming pool, and shall be separated from the swimming pool by a fence or structure similar to that described in Rule .2528 of this Section, which shall be equipped with self-closing and positive self-latching closure mechanisms, and shall be equipped with permanent locking devices. Wading pool fences constructed after April 1, 2000 shall be at least four feet high.
- (9) Wading pools shall be designed to provide at least 10 square feet per child.
- (10) Depth markers shall not be required at wading pools.

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996.*

#### **.2532 SPAS AND HOT TUBS**

Spas and hot tubs shall meet all design specifications for swimming pools and wading pools included in Rules .2512-.2530 of this Section with the following exceptions:

- (1) The circulation system equipment shall provide a turnover rate for the entire water capacity at least once every 30 minutes.
- (2) The arrangement of water inlets and outlets shall produce a uniform circulation of water so as to maintain a uniform disinfectant residual throughout the spa.
- (3) A minimum of two inlets shall be provided with inlets added as necessary to maintain required flowrate.
- (4) Water outlets shall be designed so that each pumping

system in the spa (filter systems or booster systems if so equipped) provides the following:

- (a) Two drains connected by "T" piping. Connecting piping shall be of the same diameter as the main drain outlet. Filter system drains shall be capable of emptying the spa completely. In spas constructed after April 1, 2000 drains shall be installed at least three feet apart or located on two different planes of the pool structure.
- (b) Filtration systems shall provide at least one surface skimmer per 100 square feet, or fraction thereof of surface area.
- (5) The water velocity in spa or hot tub discharge piping shall not exceed 10 feet per second (3.05 m/second); except for copper pipe where water velocity shall not exceed eight feet per second (2.44 m/second). Suction water velocity in any piping shall not exceed six feet per second (1.83 m/second).
- (6) Spa recirculation systems shall be separate from companion swimming pools.
  - (a) Where a two-pump system is used, one pump shall provide the required turnover rate, filtration and disinfection for the spa water. The other pump shall provide water or air for hydrotherapy turbulence without interfering with the operation of the recirculation system. The timer switch will activate only the hydrotherapy pump.
  - (b) Where a single two-speed pump is used, the pump shall be designed and installed to provide the required turnover rate for filtration and disinfection of the spa water at all times without exceeding the maximum filtration rates specified in Rule .2519 of this Section. The timer switch shall activate only the hydrotherapy portion of the pump.
  - (c) Where a single one-speed pump is used, a timer switch shall not be provided.
- (7) A timer switch shall be provided for the hydrotherapy turbulence system with a maximum of 15 minutes on the timer. The switch shall be placed such that bathers must leave the spa to reach the switch.
- (8) The maximum operational water depth shall be four feet (1.22 m) measured from the water line.
- (9) The maximum depth of any seat or sitting bench shall be two feet (61 cm) measured from the waterline.
- (10) A minimum height between the top of the spa/hot tub rim and the ceiling shall be 7½ feet.
- (11) Depth markers shall not be required at spas.
- (12) Steps, step-seats, ladders or recessed treads shall be provided where spa and hot tub depths are greater than 24 inches (61 cm).
- (13) Contrasting color bands or lines shall be used to indicate the leading edge of step treads, seats, and benches.
- (14) A spa or hot tub shall be equipped with at least one handrail (or ladder equivalent) for each 50 feet (15.2



- m) of perimeter, or portion thereof, to designate points of entry and exit.
- (15) Where water temperature exceeds 90° Fahrenheit (32° C), a caution sign shall be mounted adjacent to the entrance to the spa or hot tub. It shall contain the following warnings in letters at least ½ inch in height:
- (a) CAUTION;
  - (b) -Pregnant women; elderly persons, and persons suffering from heart disease, diabetes, or high or low blood pressure should not enter the spa/hot tub without prior medical consultation and permission from their doctor;
  - (c) -Do not use the spa/hot tub while under the influence of alcohol, tranquilizers, or other drugs that cause drowsiness or that raise or lower blood pressure;
  - (d) -Do not use alone;
  - (e) -Unsupervised use by children is prohibited;
  - (f) -Enter and exit slowly;
  - (g) -Observe reasonable time limits (that is, 10-15 minutes), then leave the water and cool down before returning for another brief stay;
  - (h) -Long exposure may result in nausea, dizziness, or fainting;
  - (i) -Keep all breakable objects out of the area.
- (16) A sign shall be posted in the immediate vicinity of the spa or hot tub stating the location of the nearest telephone and indicating that emergency telephone numbers are posted at that location. Those emergency telephone numbers shall include the name and telephone number of the nearest available police, fire or rescue unit, physician, ambulance service, or hospital.
- (17) A sign shall also be posted requiring a shower for each user prior to entering the spa or hot tub and prohibiting oils, body lotion, and minerals in the water.
- (b) provides a residual effect in the pool water which can be measured by simple portable field test equipment;
  - (c) will not impart any immediate or cumulative adverse physiological effects to pool bathers when used as directed;
  - (d) will not produce any undue safety hazard when stored or used as directed;
  - (e) will not damage or cause excessive wear of pool components or equipment;
  - (f) will demonstrate reduction of total coliform and fecal coliform to a level at least equivalent to free chlorine at a level of one part per million in the same body of water.
- (4) When chlorine is used as the disinfectant, a free chlorine residual of at least one part per million (ppm) shall be maintained throughout the pool whenever it is open or in use. Pools which use chlorine as the disinfectant must be stabilized with cyanuric acid except at indoor pools or where it can be shown that cyanuric acid is not necessary to maintain a stable free chlorine residual.
- (5) When bromine or compounds of bromine are used as the disinfectant, a free bromine residual of at least two parts per million, shall be maintained throughout the pool whenever it is open or in use.
- (6) When chlorine or bromine are used as the disinfectant, automatic chemical feeders shall be used. Automatic chlorine or bromine feeders shall be manufactured and installed in accordance with NSF Standard number 50 which is incorporated by reference including any subsequent amendments and editions. This material is available for inspection at the Department of Environment and Natural Resources, Division of Environmental Health, 2728 Capital Boulevard, Raleigh, North Carolina. Copies may be obtained from NSF International, 3475 Plymouth Road, PO Box 130140, Ann Arbor, Michigan 48311-0140 at a cost of seventy dollars (\$70.00).
- (7) When biguanide is used as the disinfectant, a residual of 30 to 50 parts per million shall be maintained throughout the pool whenever it is open or in use.
- (8) When silver/copper ion systems are used, the copper concentration in the pool water shall not exceed one part per million and a chlorine residual must be maintained in accordance with Paragraph (4) of this Rule.
- (9) The use of chlorine in its elemental (gaseous) form for disinfection of public swimming pools is prohibited.
- (10) Test kits or equipment capable of measuring disinfectant level and pH must be maintained at all public swimming pools.
- (11) The pool operator shall maintain written records of the operating conditions of each pool. Records shall be maintained at the pool site for a period of not less than six months. Records shall include the following:
- (a) daily recording of the disinfectant residual in

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.*

## **.2535 WATER QUALITY STANDARDS**

Water quality shall be maintained in accordance with the following:

- (1) The chemical quality of the water shall be maintained in an alkaline condition at all times with the pH between 7.2 and 7.8.
- (2) The clarity of the water shall be maintained such that the main drain grate is readily visible from the pool deck at all times.
- (3) Disinfection shall be provided in accordance with manufacturers' instructions for all pools by a chemical or other process that meets the criteria listed as follows:
  - (a) registered with the U.S. Environmental Protection Agency for pool water or potable water;

- the pool;
  - (b) daily recording of pool water pH;
  - (c) daily recording of water temperature in heated pools; and
  - (d) recording of activities pertaining to pool water maintenance including chemical additions and filter backwash cycles.
- (12) Water temperature in heated swimming pools shall not exceed 90° Fahrenheit (32°C) and in heated spas shall not exceed 104° Fahrenheit (40°C).

*History Note: Authority G.S. 130A-282;*

*Eff. May 1, 1991;*

*Amended Eff. April 1, 1999; January 1, 1996; July 1, 1992.*

## SECTION .2800 - SANITATION OF CHILD DAY CARE CENTERS

### .2801 DEFINITIONS

The following definitions shall apply throughout this Section:

- (1) "Adequate" means determined by the Department to be of sufficient size, volume, or technical specifications, to effectively accommodate and support the planned, current, or projected workloads for a specified operational area.
- (2) "Approved" means procedures and domestic or commercial equipment determined by the Department to be in compliance with this Section. Food service equipment and utensils which meet and are installed in accordance with National Sanitation Foundation (NSF) standards shall be approved.
- (3) "Communicable Condition" means the state of being infected with a communicable agent but without symptoms.
- (4) "Communicable Disease" means any disease that can be transmitted from one person to another directly, by contact with excrement, other body fluids, or discharges from the body; or indirectly, via substances or inanimate objects, such as contaminated food, drinking glasses, toys or water; or via vectors, such as flies, mosquitoes, ticks, or other insects.
- (5) "Department" or "DENR" means the North Carolina Department of Environment and Natural Resources. The term also means the authorized representative of the Department.
- (6) "Division of Child Development" means the Division of Child Development of the N.C. Department of Health and Human Services.
- (7) "Eating and Cooking Utensils" means and includes any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.
- (8) "Environmental Health Specialist" means a person authorized to represent the Department.
- (9) "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.
- (10) "Frying" means to cook over direct heat in hot oil or fat.
- (11) "Hermetically Sealed" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its contents after processing.
- (12) "Hygroscopic Food" means food which readily takes up and retains moisture, such as bean sprouts.
- (13) "Impervious" means that which will not allow entrance or passage, such as an airtight plastic container that will not allow the entrance of moisture or vermin.
- (14) "Multi-Service Articles" means tableware, including flatware and holloware which are designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used.
- (15) "Multi-Use Articles" means bulk food containers and utensils designed, fabricated, and intended by the manufacturer to be washed, rinsed, sanitized, and re-used. The term includes items such as food storage containers, beverage pitchers, serving spoons and bowls, tongs, and spatulas. The term does not include multi-service articles as defined in this Section.
- (16) "Potable Water" means water from an approved source which is suitable for drinking.
- (17) "Potentially Hazardous Food" means any food or ingredient, natural or synthetic, in a form capable of supporting the growth of infectious or toxigenic microorganisms, including *Clostridium botulinum*. This term includes raw or heat treated food of animal origin, raw seed sprouts, and treated foods of plant origin. The term does not include foods which have a pH level of 4.6 or below or a water activity value of 0.85 or less.
- (18) "Putrescible Materials" means materials likely to rot or putrefy, such as fruit, vegetables, meats, dairy products, or similar items.
- (19) "Sanitary Sewage System" means a complete system of sewage collection, treatment, and disposal and includes septic tank systems, connection to a public or community sewage system, sewage reuse or recycle systems, mechanical or biological treatment systems, or other such systems.
- (20) "Sanitize" means the approved bactericidal treatment by a process which meets the temperature and chemical concentration levels in 15A NCAC 18A .2812.
- (21) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (22) "Single-Service Articles" means tableware, including flatware and holloware, carry-out utensils and other items such as bags, containers, stirrers, straws, toothpicks, and wrappers which are designed,

fabricated and intended by the manufacturer for one-time use.

- (23) "Single-Use Articles" means bulk food containers and utensils intended by manufacturer to be used once and discarded. The term includes items such as formed buckets, bread wrappers, pickle barrels, and No. 10 cans. The term does not include single-service articles as defined in this Section.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Amended Eff. March 1, 1995;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. April 1, 1999.*

## **.2802 APPROVAL OF CONSTRUCTION AND RENOVATION PLANS**

(a) Plans drawn to scale and specifications for new child care centers shall be submitted to the local health department for review and approval prior to initiating construction. Plans drawn to scale and specifications for changes to building dimensions, kitchen specifications, or other modifications to existing child care centers shall also be submitted to the local health department for review and approval prior to construction. Plans drawn to scale and specifications for prototype "franchise" or "chain" child care centers shall be submitted to DENR, Division of Environmental Health, Environmental Health Services Section, Children's Environmental Health Branch, PO Box 29534, Raleigh, North Carolina 27626-0534. The initial inspection for new construction or the first inspection following modifications to existing child care centers shall not be made by the local health department unless these plans have been approved.

(b) Review of the plans by the local health department or the Environmental Health Services Section shall be based on the requirements of this Section.

(c) Construction and modifications shall comply with the approved plans.

*History Note: Authority G.S. 110-91;  
Eff. July 1, 1991;  
Temporary Amendment Eff. April 15, 1998;  
Amended Eff. April 1, 1999.*

## **.2810 SPECIFICATIONS FOR KITCHENS**

(a) For child care centers licensed for or serving food to fewer than 30 children:

- (1) Domestic kitchen equipment may be used. Domestic kitchen equipment shall include at least a two-compartment sink, refrigeration equipment and adequate cooking equipment. Child care centers using multi-service articles shall also provide a dishwasher. In lieu of a dishwasher and two-compartment sink, a three-compartment sink with drainboards or counterspace space of adequate size on each end may be used;
- (2) A separate lavatory for handwashing is required in food preparation areas. If the dishwashing area is

separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel; and

- (3) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement agent.

(b) For child care centers licensed for or serving food to 30 or more children:

- (1) Approved food service equipment shall be used. When domestic refrigeration equipment is used the following provisions shall apply:
  - (A) Potentially hazardous foods shall not be prepared prior to the day that such foods are to be served;
  - (B) Potentially hazardous foods that have been heated shall not be reheated or placed in refrigeration to be used in whole or in part on another day;
  - (C) Salads containing potentially hazardous food shall not be prepared on-site; and
  - (D) All meats, poultry, and fish shall be purchased in pre-portioned, ready-to-cook form.
- (2) Food service equipment shall include:
  - (A) Where meals are prepared and multi-service articles are used, at least a three-compartment sink with drainboards or countertop space of adequate size on each end, refrigeration equipment, and cooking equipment;
  - (B) Where meals are prepared and only single-service articles are used, at least a two-compartment sink with drainboards or counter top space of adequate size on each end, refrigeration equipment, and cooking equipment; or
  - (C) Where no meals are prepared and only single-service articles are used, refrigeration equipment, and at least a domestic two-compartment sink with drainboards or countertop space of adequate size on each end.
- (3) A separate food preparation sink with drainboards shall be provided for the washing and processing of foods except where plan review shows that volume and preparation frequency do not require separate facilities.
- (4) A separate lavatory for handwashing is required in food preparation and food service areas. If the dishwashing area is separate from the food preparation area, an additional lavatory shall be required in the dishwashing area. These handwashing lavatories shall be used only by food service personnel.
- (5) A commercial hood shall be installed when foods are fried on-site. The hood shall be installed in accordance with the North Carolina Building Code and approved by the local building code enforcement

agent.

(c) If baby food is prepared in the infant or toddler area, an infant/toddler food service area shall be provided. The infant/toddler food service area shall be used exclusively for the storage of infant bottles, warming of bottles, storage of fully prepared baby foods in their containers and the mixing of dry cereals with formula or with potable water from a source other than a lavatory used for handwashing. The food preparation counters, bottle warming equipment, food and food contact surfaces shall not be within reach of children. The infant/toddler food service area shall contain at least an adequate refrigerator, bottle warming equipment, an easily cleanable counter top and a separate lavatory for food service handwashing only. Domestic food service equipment may be used in infant/toddler food service areas regardless of child care center size.

- (1) All equipment shall be cleaned at least daily. Warming equipment shall be cleaned and sanitized as required in Rule .2812 or .2813 of this Section.
- (2) After each use, all multi-use and multi-service eating and drinking articles shall be cleaned and sanitized in the child care center kitchen.
- (3) Single-service articles shall be handled as required in Rule .2814 of this Section.
- (4) Counter, shelf or cabinet space shall be provided for food storage. All dry cereal shall be stored in closed, labeled containers. Food supplies shall be stored in accordance with this Section.

(d) Equipment that was installed in a child care center prior to July 1, 1991 that does not meet all the design and fabrication requirements of this Section shall be deemed acceptable if it is in good repair, capable of being maintained in accordance with the rules of this Section and the food-contact surfaces are nontoxic. This exception shall not apply to equipment in Paragraph (c) of this Rule or to commercial hoods that are required for frying foods. Replacement equipment and new equipment acquired after July 1, 1991 shall meet the requirements of Paragraphs (a), (b) and (c) of this Rule. Licensed child care centers that increase the number licensed for or that increase the number of children to whom they serve food, shall comply with all the rules of this Section. Upon change of ownership, or the closing of the operation and the issuance of a new license, the child care center shall comply with all the rules of this Section.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. March 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

## **.2812 MANUAL CLEANING AND SANITIZING**

(a) Child care centers licensed for or serving food to 30 or more children, shall provide and use a three-compartment sink with drainboards or counter top space of adequate size on each end if utensils and equipment are manually cleaned and sanitized.

(b) Child care centers licensed for or serving food to fewer than 30 children may use a domestic dishwasher and two

compartment sink with drainboards or countertop space of adequate size on each end for washing and rinsing of multi-use and multi-service articles and equipment. Utensils and equipment shall then be sanitized in the sink as required in Subparagraph (e)(4) of this Rule. Sink compartments shall be large enough to fully submerge the largest items to be washed and each compartment shall be supplied with hot and cold running water.

(c) Drainboards or countertop space of adequate size shall be provided for proper handling of soiled utensils prior to washing and cleaned utensils following sanitizing. For child care centers originally licensed on or after April 15, 1998, drainboards or countertop space shall be no less than 24" long. Replacement equipment and new equipment acquired on or after April 15, 1998 shall meet the requirements of this Paragraph. Upon change of ownership, or the closing of the operation and the issuance of a new license, a child care center shall also comply with this Paragraph.

(d) Equipment and utensils shall be preflushed or prescraped and, when necessary, presoaked to remove gross food particles and soil.

(e) Except for fixed equipment and utensils too large to be cleaned in sink compartments, manual washing, rinsing, and sanitizing shall be conducted in the following sequence:

- (1) Sinks shall be cleaned prior to use.
- (2) Equipment and utensils shall be thoroughly washed in the first compartment with a hot detergent solution that is kept clean.
- (3) Equipment and utensils shall be rinsed free of detergent and abrasives with clean water in the second compartment.
- (4) The food-contact surfaces of equipment and utensils shall be sanitized in the third compartment by:
  - (A) Immersion for at least one minute in clean, hot water at a temperature of at least 170°F (77°C);
  - (B) Immersion for at least two minutes in a clean solution containing at least 50 parts per million (ppm) of available chlorine at a temperature of at least 75°F (24°C);
  - (C) Immersion for at least two minutes in a clean solution containing at least 12.5 ppm of available iodine and having a pH not higher than 5.0 and at a temperature of at least 75°F (24°C); or
  - (D) Immersion for at least two minutes in a clean solution containing at least 200 ppm of quaternary ammonium products and having a temperature of at least 75°F (24°C), provided that the product is labeled to show that it is effective in water having a hardness value at least equal to that of the water being used.

(f) For utensils and equipment which are either too large or impractical to sanitize in a dishwashing machine or dishwashing sink, a spray-on or wipe-on sanitizer shall be used. When spray-on or wipe-on sanitizers are used, the chemical strengths shall be those required for sanitizing multi-use eating and drinking utensils. Spray-on or wipe-on sanitizers shall be

prepared daily and kept on hand for bactericidal treatment.

(g) When hot water is used for sanitizing, the following facilities shall be provided and used:

- (1) An integral heating device or fixture installed in, on, or under the sanitizing compartment of the sink capable of maintaining the water at a temperature of at least 170°F (77°C); and
- (2) A numerically scaled indicating thermometer, accurate to  $\pm 3^\circ\text{F}$  ( $\pm 1.5^\circ\text{C}$ ), convenient to the sink for frequent checks of water temperature; and
- (3) Dish baskets of such size and design to permit complete immersion of the tableware, kitchenware, and equipment in the hot water.

(h) An approved testing method or equipment shall be available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

(i) After sanitization, all equipment and utensils shall be air dried.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995; July 1, 1993;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

### **.2813 MECHANICAL CLEANING AND SANITIZING**

(a) Machine or water line mounted numerically scaled indicating thermometers, accurate to  $\pm 3^\circ\text{F}$  ( $\pm 1.5^\circ\text{C}$ ), shall be provided for commercial dishwashing equipment to indicate the temperature of the water in each tank of the machine and the temperature of the final rinse water as it enters the manifold.

(b) Drainboards or counter top space of adequate size for the proper handling of soiled utensils prior to washing and cleaned utensils following sanitization shall be provided.

(c) Equipment and utensils shall be flushed or scraped and, when necessary, soaked to remove gross food particles and soil prior to being washed in a dishwashing machine unless a prewash cycle is a part of the dishwashing machine operation. Equipment and utensils shall be placed in racks, trays, or baskets, or on conveyors, in a way that food-contact surfaces are exposed to the unobstructed application of detergent wash and clean rinse waters and that permits free draining.

(d) Machines using chemicals for sanitization may be used provided that a suitable testing method or equipment is available, convenient, and regularly used to test chemical sanitizers to insure minimum prescribed strengths.

(e) All dishwashing machines shall be thoroughly cleaned at least once a day or more often when necessary to maintain them in a satisfactory operating condition.

(f) After sanitization, all equipment and utensils shall be air dried.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

### **.2817 TOILETS**

(a) All toilet fixtures and toilet rooms shall be located to comply with the requirements of these Rules. Storage in toilet rooms shall be limited to toileting and diapering supplies. All toilet fixtures shall be easily cleanable, and in good repair. Toilet fixtures shall be child-sized, properly adapted adult toilets or potty chairs for young toddlers.

(b) Toilet fixtures shall be cleaned and sanitized when soiled and at least on a daily basis. A solution of 100 ppm chlorine solution or other equivalent methods approved by the Department shall be used for sanitizing.

(c) If potty chairs are used, they shall be located in a toilet room equipped with a spray rinse toilet or utility sink. Potty chairs shall be emptied, rinsed, cleaned and sanitized when soiled or at least on a daily basis, with 100 ppm chlorine solution or equivalent method approved by the Department.

(d) When cloth diapers are used, the diaper changing area shall be located proximate to a toilet room or flush-rimmed sink.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; February 1, 1995.*

### **.2819 DIAPERING AND DIAPER CHANGING FACILITIES**

(a) Infants and toddlers shall be diapered at areas designated exclusively for diapering.

(b) Diapering surfaces shall be smooth, nonabsorbent, easily cleanable and shall be approved by the Department.

(c) Diapering surfaces shall be kept free of storage and shall be cleaned with a mild solution of water and detergent and sanitized after each changing. A solution of 100 ppm chlorine or equivalent methods approved by the Department shall be used for sanitizing. A suitable testing method or kit shall be available and used daily to insure compliance with the minimum prescribed strength. These solutions shall be used from separate and properly labeled, hand pump spray bottles.

(d) Each diaper changing area in a child care center shall include a handwash lavatory for caregivers, except for centers licensed for fewer than 13 children and located in a residence. For centers licensed for fewer than 13 children and located in a residence a handwash lavatory shall be in or near diaper changing areas.

(e) The use of disposable gloves by caregivers during the diaper changing process is required if the worker has cuts or sores on hands or chapped hands. Gloves shall be discarded after use with each child.

(f) Caregivers may dispose of feces in diapers in the toilet, but shall not rinse soiled cloth diapers, or training pants or clothes. Soiled cloth diapers, training pants or clothes shall be sent to a diaper service or placed in a tightly closed plastic bag or other equivalent container approved by the Department and sent daily to the child's home to be laundered.

(g) Pre-moistened towelettes or damp paper towels shall be used for cleaning children during the changing process. Soiled paper or towelettes shall be discarded after use with each child and shall be disposed of in a covered plastic-lined receptacle.

(h) Soiled disposable diapers shall be placed in a cleanable,

plastic-lined, covered container and removed to an exterior garbage area at least daily.

(i) Whether or not disposable gloves are used, caregivers shall wash their hands after each individual diaper change in accordance with Rule .2828 of this Section.

(j) Children's hands shall be washed in the lavatory after each individual diaper change in accordance with Rule .2828 of this Section, or, in the case of infants, with single-use, pre-moistened towelettes.

(k) Instructions providing information to care givers in proper methods of diaper-changing and handwashing shall be posted in each diaper changing area.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

## **.2820 STORAGE**

(a) Rooms or spaces shall be provided for the storage of equipment, furniture, toys, clothes, beds, cots, mats, and supplies and shall be kept clean. Shelving or other storage, constructed in a manner to facilitate cleaning, shall be provided for orderly storage of supplies, including mats and toys.

(b) All corrosive agents, insecticides, rodenticides, herbicides, bleaches, detergents, polishes, items containing petroleum products, any product which is under pressure in an aerosol dispensing can, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be stored in a locked storage room or cabinet, locked with a combination lock or key. Keys shall be kept out of the reach of a child and shall not be stored in the lock.

(c) A properly mixed sanitizing solution and a mild detergent solution approved by the Department shall not be required to be stored in a locked storage room or locked cabinet. These solutions shall be clearly labeled and shall not be accessible to children.

(d) Medications shall be stored in a separate locked cabinet or other locked container. Medications which require refrigeration shall be stored in a locked box or locked container in a designated area for such storage in a refrigerator which is not accessible to children.

(e) Individual cubicles, lockers, or coat hooks shall be provided for storage of coats, hats, or similar items. Coat hooks not in individual cubicles or lockers, shall be spaced at least 12 horizontal inches apart. Individual toothbrushes or combs used by children shall be labeled and stored in individual toothbrush or comb cases or other approved methods.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; February 1, 1995.*

## **.2822 FURNITURE AND TOYS**

(a) Furniture shall be of easily cleanable construction, and shall be kept clean and in good repair.

(b) Equipment and toys provided by the child care center shall

be of easily cleanable construction, and shall be kept clean and in good repair. In infant and toddler rooms, mouth-contact surfaces shall be cleaned and sanitized in accordance with 15A NCAC 18A .2812 at least daily and more frequently if necessary.

(c) Toys, furniture, cribs, or other items accessible to children, shall be free of peeling, flaking, or chalking paint.

(d) Water play activity centers shall be filled just prior to use of the center. Water must be dumped at least daily or more often if visibly soiled. The water activity unit, including toys, shall be cleaned and sanitized at least daily or more often if soiled. Wading pools are not water play activity centers and are regulated under 15A NCAC 18A .2500.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995; July 23, 1992;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

## **.2824 FLOORS**

(a) Floors and floor coverings of all food preparation, food storage, utensil-washing areas, toilet rooms, and laundry areas shall be constructed of nonabsorbent, easily cleanable, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic, or tight wood impregnated with plastic.

(b) Floors and floor coverings of all sleeping and play areas shall be constructed of easily cleanable, durable materials.

(c) Carpeting used as a floor covering shall be of closely woven construction, properly installed, and easily cleanable. Carpeting is prohibited in food preparation areas, equipment and utensil-washing areas, food storage areas, laundry areas, and toilet rooms.

(d) Floors in areas accessible to children, shall be free of peeling, flaking or chalking paint.

(e) All floors shall be kept clean and maintained in good repair.

(f) Floors in all rooms and areas shall be free of identified lead poisoning hazards as defined under 15A NCAC 18A .3101.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; February 1, 1995; July 23, 1992.*

## **.2825 WALLS AND CEILINGS**

(a) The walls and ceilings, including doors and windows, of all rooms and areas shall be kept clean and in good repair. All walls shall be nonabsorbent and easily cleanable.

(b) Ceilings in rooms in which food is stored, handled or prepared, utensil-washing rooms, and toilet rooms shall be non-absorbent and easily cleanable. Acoustic ceiling material may be used where ventilation precludes the possibility of grease and moisture absorption.

(c) Walls and ceilings, including doors and windows in areas accessible to children, shall be free of peeling, flaking, or chalking paint.

(d) Walls and ceilings, including doors and windows, of all



rooms and areas shall be free of identified lead poisoning hazards as defined under 15A NCAC 18A .3101.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; July 23, 1992.*

**.2828 HANDWASHING**

(a) Employees shall be instructed that handwashing is the single most important line of defense in preventing the transmission of disease-causing organisms. Employees shall wash hands upon reporting for work; before and after handling food; before feeding infants or children; before handling clean utensils or equipment; after toileting or handling of body fluids (e.g., saliva, nasal secretions, vomitus, feces, urine, blood, secretions from sores, pustulant discharge); after diaper changing; after handling soiled items such as garbage, mops, cloths, and clothing; and after removing disposable gloves.

(b) Children shall wash hands upon arrival at the child care center; after each diaper change or visit to the toilet; before eating meals or snacks; before and after water activity play; and after handling animals or animal cages.

(c) Proper handwashing procedures shall include:

- (1) Using soap and tempered running water;
- (2) Rubbing hands vigorously with soap and tempered water for 15 seconds;
- (3) Washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails, and between fingers;
- (4) Rinsing well for 10 seconds;
- (5) Drying hands with a paper towel or mechanical dryer;
- (6) Turning off faucet with paper towel.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; February 1, 1995.*

**.2830 SOLID WASTES**

(a) Solid wastes containing food scraps or other putrescible materials shall, prior to disposal, be kept in durable, rust-resistant, nonabsorbent, water-tight, rodent-proof, and easily cleanable containers such as standard garbage cans which shall be covered with tight lids when filled or stored or not in continuous use. Refuse including scrap paper, cardboard boxes and similar items shall be stored in containers, rooms or designated areas approved by the Department.

(b) Facilities shall be provided for the washing and storage of all garbage cans and mops for child care centers, except for centers licensed for fewer than 13 children and located in a residence. Cleaning facilities shall include combination faucet, hot and cold running water, threaded nozzle, and curbed impervious pad sloped to drain into an approved sanitary sewage system. Other cleaning facilities approved prior to July 1, 1991 shall be deemed approved if in good repair and functioning properly. Cleaning facilities replaced after July 1, 1991 shall meet the requirements of this Section.

(c) Where containerized systems are used for garbage storage, facilities shall be provided for the cleaning of such systems. A

contract for off-site cleaning shall constitute compliance with this Section.

(d) Solid wastes shall be disposed of so as to prevent insect breeding and public health nuisances.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. February 1, 1995;*

*Temporary Amendment Eff. April 15, 1998;*

*Amended Eff. April 1, 1999.*

**.2832 OUTDOOR AREAS**

(a) The premises, including the outdoor play area, shall be kept clean, drained and free of litter and hazardous materials. Grass and other vegetation shall be maintained in a manner which does not encourage the harborage of vermin.

(b) All outdoor activity areas shall be kept clean. All debris, glass, dilapidated structures, and broken play equipment shall be removed. The play areas shall be free from unprotected wells, grease traps, cisterns, and utility equipment.

(c) For outdoor play equipment, the following shall apply:

- (1) Equipment shall be kept in good repair, free of peeling, flaking, or chalking paint and free of rust and corrosion;
- (2) The sandbox used in outdoor play shall be constructed to allow for proper drainage and shall be kept clean.

(d) Premises, including the outdoor play area, shall be free of identified lead poisoning hazards as defined under 15A NCAC 18A .3101.

*History Note: Authority G.S. 110-91;*

*Eff. July 1, 1991;*

*Amended Eff. April 1, 1999; July 23, 1992.*

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**TITLE 19A - DEPARTMENT OF TRANSPORTATION**

**CHAPTER 2 - DIVISION OF HIGHWAYS**

**SUBCHAPTER 2D - HIGHWAY OPERATIONS**

**SECTION .0800 - PREQUALIFICATION:  
ADVERTISING AND BIDDING REGULATIONS**

**.0816 DISQUALIFICATION OF BIDDERS**

(a) The Department may disqualify a contractor from further bidding until he has applied for and has been requalified in accordance with Rule .0801 of this Section for any of the following reasons:

- (1) unsatisfactory progress in accordance with the terms and conditions of existing or previous contracts as specified in Article 108-8 or Article 105-7 of the Standard Specifications for Roads and Structures.
- (2) uncompleted contracts which, in the judgment of the Chief Engineer, may hinder or prevent the timely completion of additional work if awarded.
- (3) failure to comply with Article 108-6 of the Standard

Specifications for Roads and Structures.

- (4) failure to satisfy the Disadvantaged Business Enterprise requirements of the project special provisions.
- (5) failure to submit the documents required by Article 109-9 of the Standard Specifications for Roads and Structures within 60 days after being requested by the Engineer, or the submission of false information.
- (6) direct personal recruitment of DOT employees for employment if:
  - (A) the personal contact is initiated by the contractor;
  - (B) the employee works either for the DOT Construction Unit or in construction operations of any of the 14 Highway Divisions in a capacity of direct involvement with highway construction work; and
  - (C) the employee has decision-making authority for the current project on which the employee and contractor are currently working.
- (7) failure to return overpayments as directed by the Engineer.

(b) The Department shall disqualify a contractor from further bidding until he has applied for and has been requalified in accordance with Rule .0801 of this Section for any of the following reasons:

- (1) being declared in default in accordance with Article 108-9 of the Standard Specifications for Roads and Structures.
- (2) failure to comply with prequalification requirements.
- (3) the submission of more than one bid for the same contract by an individual, partnership, joint venture, or corporation prequalified under the same Prequalification Number.
- (4) evidence of collusion among bidders; each participant in such collusion shall be disqualified.
- (5) failure to furnish a non-collusion affidavit upon request.
- (6) failure to comply with a written order of the Engineer as provided in Article 105-1 of the Standard Specifications for Roads and Structures or oral directives given by the Department's project personnel, if in the judgment of the Chief Engineer-Operations such failure is of sufficient magnitude to warrant disqualification.
- (7) the Department has not received the amount due under a forfeited bid bond or under the terms of a performance bond.

(c) Upon a determination that a contractor should be disqualified for one or more of the reasons listed in Paragraph (a) or (b) of this Rule, the Department may remove all entities prequalified under the same Prequalification Number.

*History Note: Authority G.S. 136-18(1); 136-28.1;*

*Eff. April 3, 1981;*

*Recodified from 19A NCAC 2D .0814;*

*Amended Eff. April 1, 1999; December 1, 1994; October 1, 1993; November 1, 1991.*



This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, January 21, 1999, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, January 18, 1999, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Teresa L. Smallwood, Vice Chairman  
 John Arrowood  
 Laura Devan  
 Jim Funderburke  
 David Twiddy

**Appointed by House**

Paul Powell, Chairman  
 Anita White, 2<sup>nd</sup> Vice Chairman  
 Mark Garside  
 Steve Rader  
 George Robinson

**RULES REVIEW COMMISSION MEETING DATES**

January 21, 1999	July 15, 1999
February 18, 1999	August 19, 1999
March 18, 1999	September 16, 1999
April 15, 1999	October 21, 1999
May 20, 1999	November 18, 1999
June 17, 1999	December 16, 1999

**LOG OF FILINGS**

**RULES SUBMITTED: DECEMBER 20, 1996 THROUGH JANUARY 20, 1997**

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>DHHS/MH/DD/SAS</b>			
	Scope	10 NCAC 14V .4301	Adopt
	Definitions	10 NCAC 14V .4302	Adopt
	Staff	10 NCAC 14V .4303	Adopt
	Operations	10 NCAC 14V .4304	Adopt
	Client Rights	10 NCAC 14V .4305	Adopt
	Physical Plant	10 NCAC 14V .4306	Adopt
<b>DENR/COMMISSION FOR HEALTH SERVICES</b>			
	Eligibility Requirements	15A NCAC 21H .0110	Amend
	Medical Services Provided	15A NCAC 21H .0111	Amend
	Procedure for Requesting Services	15A NCAC 21H .0113	Amend
<b>NC BOARD OF EMPLOYEE ASSISTANCE PROFESSIONALS</b>			
	Scope	21 NCAC 11 .0101	Adopt
	License Application	21 NCAC 11 .0104	Adopt
	Transcripts/Other Supporting Docs.	21 NCAC 11 .0105	Adopt
	Review of Applications	21 NCAC 11 .0106	Adopt
	Notice of Denial of Initial Application	21 NCAC 11 .0107	Adopt
	Disciplinary Action/Hearing	21 NCAC 11 .0108	Adopt
	Curricula/Minimum Standards/Training	21 NCAC 11 .0109	Adopt
	Ethical Standards	21 NCAC 11 .0110	Adopt

Fees  
Penalties

21 NCAC 11 .0111  
21 NCAC 11 .0112

Adopt  
Adopt

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**RULES REVIEW COMMISSION**

**December 17, 1998  
MINUTES**

The Rules Review Commission met on December 17, 1998, in the West Wing Conference Room of the Methodist Building, 1307 Glenwood Avenue, Raleigh, North Carolina. Commissioners in attendance were Chairman Paul Powell, David R. Twiddy, Teresa L. Smallwood, Steven P. Rader, Jim R. Funderburk, R. Palmer Sugg, Laura Devan, John Arrowood, Mark P. Garside, and George S. Robinson.

Staff members present were: Joseph J. DeLuca, Staff Director; Bobby Bryan, Rules Review Specialist; and Sandy Webster.

The following people attended:

Ed Kitchen	City of Greensboro
John Kime	Piedmont Triad Regional Water Authority
Bill Ross	City of Greensboro
Marc Lodge	DHHS
Alan Horton	A Deep River Group
Warren Plonk	State Budget
Tom West	Poyner & Spruill/Merck-Medco Managed Care
Noah Huffstetler	Kilpatrick Stockton
Jackie Herbster	Kilpatrick Stockton
Janice Fain	DHHS/Child Care
Diane Pompey	Attorney General
Bruce S. Ambrose	Attorney General
David Work	NC Board of Pharmacy
Juanita Gaskill	DENR/Marine Fisheries
Dwight Langston	DENR/DWQ
Boyd DeVane	DENR/DWQ
Frank Crawley	Attorney General
Jackie Sheppard	DHHS/DFS
Ellie Sprenkel	Insurance
Theresa Shackelford	Insurance
Jim Taylor	Labor
Bill Hale	Insurance
Jean Stanley	NC Board of Nursing
Robin Pendergraft	Attorney General
Scott Perry	Attorney General
Steve Woodson	NC Farm Bureau
Steve Zoufaly	DENR/DWQ
Sally Meacham	Attorney General
Dedra Alston	DENR
Marilyn Brothers	DHHS/MH/DD/SAS
Gina Rutherford	DENR
Malcolm Blalock	DENR
Carolyn Allen	City of Greensboro
Linda Miles	City of Greensboro
Portia Rochelle	DHHS/DMA
Judy Walton	DHHS
Kristen Allen	DENR
Vernon Cox	DENR/Soil & Water
Jessica Gill	DENR
Mark Cuilla	DENR
Glen Peterson	Administration

Karen Saunders	Kroger
Noel Allen	NC State Board of CPA Examiners
Bob Brooks	NC State Board of CPA Examiners
Ann Christian	NC Retail Merchants Association
Angie Waldorf	Labor
Molly Masich	OAH
Mary Shuping	General Assembly
Denise Stanford	NC Board of Pharmacy
Jimmy Jackson	Eckerd Corporation
Gray Stewart	Kerr Drug, Inc.
Mark Gregory	Kerr Drug, Inc.
Liz Kovasckitz	DENR/DWQ
Peter Ackley	City of Greensboro
Ann Wall	Labor
Tom Harris	Labor
Joni Bowie	General Assembly

### **SWEARING IN OF NEW MEMBERS**

Mr. Bryan swore in the new members: Commissioner Powell who was reappointed, and Commissioners Laura Devan and John Arrowood. Commissioner R. Palmer Sugg was previously sworn in.

### **APPROVAL OF MINUTES**

The meeting was called to order at 10:05 a.m. with Chairman Powell presiding. He asked for any discussion, comments, or corrections concerning the minutes of the November 19, 1998 meeting. There being none, the minutes were approved.

### **FOLLOW-UP MATTERS**

4 NCAC 3B .0101, .0102, and .0103: COMMERCE/Banking Commission – No response was received from the agency on these rules.

4 NCAC 3H .0002: COMMERCE/Banking Commission – No response was received from the agency on this rule.

10 NCAC 3R .6112: DHHS/Medical Care Commission – The rewritten rule submitted by the agency was objected to due to lack of statutory authority and ambiguity. The rewritten rule did not cure any of the earlier objections and in addition is either an improper attempt to incorporate the agency's own materials by reference or is unnecessary in that it attempts to merely tell the agency to do what it is already legally required to do.

10 NCAC 3U .0305, .1601, .2805, .2806, and .2810: DHHS/Child Care Commission - The rewritten rules submitted by the agency were approved by the Commission.

10 NCAC 20C .0206: DHHS/Division of Vocational Rehabilitation Services - The rewritten rule submitted by the agency was approved by the Commission.

11 NCAC 8 .0912 – INSURANCE/Manufactured Housing Board: The rewritten rule submitted by the agency was approved by the Commission.

12 NCAC 7D .1201, .1202, .1301, .1302, .1303, .1304, .1305, .1306, and .1307: JUSTICE/NC Private Protective Services Board – No response was received from the agency on these rules.

12 NCAC 9B .0301: JUSTICE/Criminal Justice Education & Training Standards Commission – The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 1N .0403, .0604, .0701, and .0703: DENR – The rewritten rules submitted by the agency were approved by the Commission.

15A NCAC 2D .1208: DENR/Environmental Management Commission - The rewritten rule submitted by the agency was approved

by the Commission.

15A NCAC 3P .0202: DENR/Marine Fisheries Commission - The rewritten rule submitted by the agency was approved by the Commission.

15A NCAC 8G .0401, .0402, .0403, .0404, .0405, .0406, .0407, and .0409: DENR/Water Pollution Control Systems Operators Certification Commission - The rewritten rules submitted by the agency were approved by the Commission.

15A NCAC 18A .2804: DENR/ Commission for Health Services – The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 46 .1612, .2306, .2502, .2609, and .2611: N C Board of Pharmacy – The rewritten rules submitted by the agency were approved by the Commission with the exception of .2306 which was withdrawn by the agency.

21 NCAC 57A .0305: N C Appraisal Board - The agency requested additional time to look at this rule.

### **LOG OF FILINGS**

Chairman Powell presided over the review of the log and all rules were unanimously approved with the following exceptions:

4 NCAC 1E .0104: COMMERCE/Commerce Finance Center – The Commission objected to this rule due to ambiguity. In (c), it is not clear what information has been prescribed by the secretary. This objection applies to existing language in the rule.

4 NCAC 1I Rules: COMMERCE/Commerce Finance Center – These rules were returned to the agency for failure to comply with the APA. The rules were adopted only 15 days after publication of the notice of text.

4 NCAC 1K .0102: COMMERCE/Commerce Finance Center – The Commission objected to this rule due to lack of statutory authority. In (p)(2), there is no authority for the agency to require calculations to be done in accordance with an agency policy which has not been adopted as a rule.

4 NCAC 1K .0103: COMMERCE/Commerce Finance Center – The Commission objected to this rule due to ambiguity. In (a), it is not clear who designates or what the standards are for designating counties as urban counties or cities as entitlement cities or urban county cities. This objection applies to existing language in the rule.

4 NCAC 1K .0302: COMMERCE/Commerce Finance Center – The Commission objected to this rule due to ambiguity. It is unclear what is meant by "certain" criteria. This objection applies to existing language in the rule.

4 NCAC 1K .0402: COMMERCE/Commerce Finance Center – The Commission objected to this rule due to lack of statutory authority. The last sentence amounts to a waiver provision by allowing the Commerce Finance Center to give special instructions. No guidelines are provided so there is no authority for the rule.

10 NCAC 26H .0304: DHHS/Division of Medical Assistance – The Commission objected to this rule due to ambiguity. In (k)(1)(C)(i), it is not clear what standards the Division of Medical Assistance will use in specifying salary levels. In (l)(4)(D), it is not clear what standards the Division will use in granting permission to continue cost settlement. In (u), it is not clear what constitutes "just cause." In (y)(1)(B), it is not clear what standards the Division of Facility Services is to use to verify that a sprinkler system is needed. In (y)(1)(C), it is not clear who are "appropriate authorities." In (y)(1)(E), it is not clear what standards DMA will use in granting prior approval for installation. This objection applies to existing language in the rule.

Commissioner Sugg abstained from voting on all the Environmental Management Commission rules.

15A NCAC 2B .0250 and .0251: DENR/Environmental Management Commission – The Commission listened to extensive presentation and then voted to approve these rules with changes previously submitted by the EMC to satisfy staff's concerns.

15A NCAC 7H .0308: DENR/Coastal Resources Commission – The Commission objected to the original rule due to ambiguity in (d)(1). It is unclear which alternative is more or less restrictive, who is to make the decision, or the standards for making the decision. A rewritten rule submitted by the agency was approved by the Commission and any existing objections were removed..

15A NCAC 7O .0202: DENR/Coastal Resources Commission – The Commission objected to the original rule due to lack of statutory

authority. In (4) there is a prohibition against camping. DCM can give written permission, amounting to a waiver of the rule. However there are no standards for granting or denying the waiver, as required by 150B-19(6). The rewritten rule submitted by the agency was approved by the Commission.

17 NCAC 6B .0118: DEPARTMENT OF REVENUE – The Commission objected to this rule due to ambiguity. In (1) it is unclear what the distinction is between (2) and (3). The first cites a participant who has been issued a "letter of warning due to noncompliance with program requirements. The seemingly more serious "Probation" status in (3) simply requires that the participant has been issued a "warning letter." Is there a distinction between a "letter of warning" and a "warning letter?" If not then how is it determined whether someone is in (2) or (3)? Does "noncompliance with program requirements" in (2) have some specific meaning? Is there anything a participant could do that would result in a warning that is not coming from "noncompliance with program requirements?"

21 NCAC 8N .0302: NC State Board of Certified Public Accountant Examiners – The Commission objected to the original rule due to ambiguity. It is unclear in (b) whether firms organized under G.S. 55B or 57C shall not have any non-CPA ("minority") ownership or whether such ownership (non-CPAs) may be a majority. The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 32S .0105: NC Medical Board – The Commission objected to the original rule due to lack of statutory authority. There is no authority to require applicants for renewal to submit any previously unspecified information desired by the Board as set out in (2) that may or may not be related to qualifications for licensure and renewal. Presumably the Board may seek any information required to comply with registration or renewal statutes or rules and this would be already included on the registration form, set out in item (1). The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 32S .0113: NC Medical Board – The Commission objected to the original rule due to lack of statutory authority and necessity. G.S. 90-14 specifies the grounds that the Board may use to revoke a license. If this rule expands those grounds (it used different wording in a number of cases) then there is no authority for such expansion. If it does not add anything to the statutory grounds, then it is unnecessary. The rewritten rule submitted by the agency was approved by the Commission contingent upon receiving a technical change. The technical change was received.

21 NCAC 32S .0114: NC Medical Board – The Commission objected to this rule due to lack of necessity. Except for (c) this rule does not seem to add anything that is not already set out in statute. The rule was withdrawn by the agency.

21 NCAC 32S .0117: NC Medical Board – The Commission objected to the original rule due to lack of statutory authority. There is no proper authority cited for these fees. The rewritten rule submitted by the agency was approved by the Commission.

21 NCAC 46 .1804: NC Board of Pharmacy – The Commission objected to this rule due to lack of statutory authority and ambiguity. This rule amendment either goes beyond the Board's authority or is unclear. It is unclear what is meant by "the alteration" of a prescription order at the end of (a). Aside from the lack of clarity in the rule, it nonetheless seems the board is exceeding its regulatory authority. The board has no authority to direct third parties in how to act or to refrain from acting. The rule is unclear as to the action that is required or forbidden. It seems to be directed towards persons over whom the board has no authority.

21 NCAC 46 .2506: NC Board of Pharmacy – The Commission objected to this rule due to lack of statutory authority. The rule on its face is not ambiguous and allows pharmacists to choose to work over the limit specified in the rule. If this is so, there is no necessity for the rule. Even if it were necessary, there is no authority for this rule as to how pharmacies are to conduct their business. (This rule regulates the pharmacy permit holder, not the pharmacist.) The authority cited simply provides that a pharmacy must register with the board and supply certain limited information (the identity of the pharmacist manager and all pharmacist personnel). If that information is provided, the board has no authority to deny the permit. Beyond that there is no additional authority over a pharmacy. The substantive authority cited, G.S. 90-85.32, is authority to set rules governing the "filling, refilling, and transfer of prescriptions." This is authority over the pharmacists, not the pharmacy. The activity that is regulated in 90-85.32 constitutes the practice of pharmacy, which requires a licensed person, a pharmacist, to fulfill (G.S. 90-85.3(p) – (r)). The rule, as written, is unnecessary and beyond the board's authority.

## **COMMISSION PROCEDURES AND OTHER MATTERS**

The next meeting will be on January 21, 1999.

The meeting adjourned at 1:42 p.m.

Respectfully submitted,  
Sandy Webster

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.state.nc.us/OAH/hearings/decision/caseindex.htm>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

*Chief Administrative Law Judge*  
JULIAN MANN, III

*Senior Administrative Law Judge*  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Brenda B. Becton  
Sammie Chess Jr.  
Beecher R. Gray  
Melissa Owens

Meg Scott Phipps  
Robert Roosevelt Reilly Jr.  
Dolores O. Smith

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ADMINISTRATION</b>				
Occaneechi Band of the Saponi Nation v NC Comm of Indian Affairs	96 DOA 0006	Smith	12/07/98	13 13 NCR 1075
Carlton L. Coleman v Administration, Division of Purchase and Contract	98 DOA 1016	Phipps	12/16/98	
<b>ALCOHOLIC BEVERAGE CONTROL COMMISSION</b>				
Alcoholic Beverage Control Commission v Kenneth Jerome	97 ABC 1205	Phipps	07/23/98	
Alcoholic Beverage Control Commission v Jesse Jacob Joyner, Jr	97 ABC 1438	Phipps	06/19/98	
Alcoholic Beverage Control Commission v Trade Oil Company, Inc	98 ABC 0033	Reilly	08/21/98	
Alcoholic Beverage Control Commission v Pantana Bobs, Inc	98 ABC 0293	Reilly	09/17/98	13 11 NCR 933
Alcoholic Beverage Control Comm v Partnership T/A C & J's Shipwreck	98 ABC 0296	Morrison	08/19/98	
Alcoholic Beverage Control Comm v Harold Webster Hadnot	98 ABC 0324	Smith	12/02/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0357*	Reilly	07/02/98	
Sokha Huor Ramadneh v Alcoholic Beverage Control Commission	98 ABC 0382	Smith	06/30/98	13 03 NCR 350
Alcoholic Beverage Control Commission v Delores Williams Alnaqib	98 ABC 0392	Chess	07/30/98	
Alcoholic Beverage Control Commission v Axis Entertainment	98 ABC 0401*	Reilly	07/02/98	
Alcoholic Beverage Control Commission v James Aubrey Stephenson	98 ABC 0494	Chess	09/01/98	
Alcoholic Beverage Control Commission v Bridgette Dee Williams	98 ABC 0501	Reilly	08/11/98	
Alcoholic Beverage Control Commission v Robert Lee, Inc	98 ABC 0518	Gray	08/11/98	
Alcoholic Beverage Control Comm v Partnership, T/A Variety Pic Up #21	98 ABC 0714	Morrison	10/09/98	
Tarus Jackson v Alcoholic Beverage Control Commission	98 ABC 0768	Smith	07/13/98	
Alcoholic Beverage Control Comm v Simple Elegance Restaurants, Inc	98 ABC 0850	Phipps	10/26/98	
Alcoholic Beverage Control Comm v Daniel Hinton Green	98 ABC 0889	Morrison	11/06/98	
Alcoholic Beverage Control Comm v Zaheer Ahmad Bajwa	98 ABC 0960	Owens	10/30/98	
Alcoholic Beverage Control Comm v Jerald Taft Howell, Jr	98 ABC 1171	Smith	12/03/98	
Alton Olliviera Perry v Alcoholic Beverage Control Commission	98 ABC 1298	Owens	11/23/98	
<b>BOARD OF CONTRACTORS</b>				
Heritage Pointe Builders, Inc & Patrick Hannon v Bd of Contractors	97 LBC 0243	Phipps	08/17/98	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Loretta Battle v Crime Victims Compensation Commission	97 CPS 0654	Gray	08/10/98	
Cynthia Austin v Crime Victims Compensation Commission	97 CPS 1499	Reilly	08/12/98	13 05 NCR 533
Marcella Skaggs v Crime Victims Compensation Commission	98 CPS 0065	Owens	06/05/98	
Talmadge E McHenry v Crime Victims Compensation Commission	98 CPS 0116	Gray	06/24/98	
Linda Caldwell Wiggins v Crime Victims Compensation Commission	98 CPS 0153	Chess	08/27/98	
Kenneth T Lytle v Crime Victims Compensation Commission	98 CPS 0176	Reilly	07/06/98	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Shirley Henryhand v. Crime Victims Compensation Commission	98 CPS 0263	Morrison	08/11/98	
Brenda Jean Thomas v. Crime Victims Compensation Commission	98 CPS 0314	Morrison	08/11/98	
Tareyton L. Johnson v. Crime Victims Compensation Commission	98 CPS 0327	Reilly	09/02/98	
Mia Thompson-Clark v. Crime Victims Compensation Commission	98 CPS 0349	Chess	05/14/98	
Godfrey Akenabor v. Crime Victims Compensation Commission	98 CPS 0427	Owens	10/30/98	13 12 NCR 1015
Valine H. Thompson v. Crime Victims Compensation Commission	98 CPS 0674	Morrison	11/18/98	
Rufus K. Williams v. Department of Crime Control & Public Safety	98 CPS 0676	Morrison	10/23/98	
Faye E. Powell v. Crime Victims Compensation Commission	98 CPS 0808	Owens	08/28/98	
Hubert Lee Grant v. Crime Victims Compensation Commission	98 CPS 0839	Morrison	10/21/98	13 10 NCR 853
Mary Elizabeth Troutman v. Crime Victims Compensation Comm	98 CPS 0901	Smith	11/12/98	
Brenda H. Alston v. Crime Victims Compensation Commission	98 CPS 0952	Phipps	11/10/98	
Shirley P. Chen v. Crime Victims Compensation Commission	98 CPS 1015	Phipps	09/17/98	
Kenneth B. Hall, Sr. v. Crime Victims Compensation Commission	98 CPS 1170	Mann	12/21/98	
<b>ENGINEERS AND SURVEYORS, BOARD OF EXAMINERS FOR</b>				
Thomas A. Truelove, Jr., PE v. Bd./Examiners/Engineers and Surveyors	98 ELS 0047	Mann	11/12/98	13 12 NCR 1035
<b>ENVIRONMENT AND NATURAL RESOURCES</b>				
Ladane Williamson and Odell Decarol Williamson v. DENR	96 EHR 1926	Gray	09/01/98	13 07 NCR 609
Teresa Hetlin v. Department of Environment and Natural Resources	97 EHR 0409	Morrison	07/29/98	
Ronald Prater v. Department of Environment and Natural Resources	97 EHR 0451	Reilly	07/02/98	
James F. Smith v. Department of Environment and Natural Resources	97 EHR 1365	Chess	07/17/98	
William Hickman v. Department of Environment and Natural Resources	97 EHR 1388	Gray	11/06/98	13 11 NCR 928
Hickory Alliance v. Department of Environment and Natural Resources and	97 EHR 1607	Reilly	07/17/98	
Godfrey Lumber Company, Inc.				
John M. Silvia v. Department of Environment and Natural Resources	97 EHR 1646	Chess	06/03/98	
Godfrey Lumber Company, Inc. v. Dept./Environment & Natural Resources and	97 EHR 1676	Reilly	07/17/98	
Hickory Alliance				
Gregory B. Jackson, Brenda R. Jackson v. Greene Cty. Hlth. Dept., ENR	98 EHR 0042	Reilly	07/02/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0072*	Gray	06/25/98	
Scotland Water, Cedar Circle v. Environment and Natural Resources	98 EHR 0236	Smith	06/09/98	
Womble & Company v. Dept. of Environment and Natural Resources	98 EHR 0345	Chess	11/05/98	
Eric Glenn Harrison v. Environment and Natural Resources	98 EHR 0373	Reilly	08/28/98	
Robert G. Goff, Sr. v. Department of Environment and Natural Resources	98 EHR 0448*	Gray	06/25/98	
Mid South Water Systems, Inc. v. Environment and Natural Resources	98 EHR 0548	Gray	12/02/98	
Wilbur E. Earp v. Department of Environment and Natural Resources	98 EHR 0606	Smith	10/21/98	
Norell Bahrs v. Carteret Cty. Health Dept., DENR	98 EHR 0884	Owens	11/02/98	
Charles Davis v. Department of Environment and Natural Resources	98 EHR 0890	Owens	11/09/98	
J.C. Faw v. Department of Environment and Natural Resources	98 EHR 0957	Gray	12/11/98	
Hugh & Bonnie Mills v. Dept. of Environment and Natural Resources	98 EHR 1090	Phipps	12/08/98	
JM's Professional Construction Svcs., Ltd. v. DENR	98 EHR 1217	Owens	12/21/98	
Ronald E. Bennett v. Environment and Natural Resources	98 EHR 1237	Owens	12/29/98	
Don W. Hunt v. Halifax County Health Department	98 EHR 1285	Gray	12/17/98	
<b>Division of Air Quality</b>				
Sebring Dev., Patrick Queen/John Amirante v. DENR, Air Quality	98 EHR 0926	Phipps	12/11/98	
<b>Division of Coastal Management</b>				
Preston Warren v. Division of Coastal Management, Wilmington, NC	98 EHR 0177	Phipps	10/05/98	
Marion T. Noe v. DENR, Division of Coastal Management	98 EHR 0976	Smith	12/02/98	
<b>Division of Environmental Health</b>				
Gerald P. Sigal v. DENR, Division of Environmental Health	98 EHR 0051	Smith	10/02/98	
Ronnie Lee Hamill v. Pitt Cty. Health Dept., Environmental Health Div	98 EHR 1200	Smith	12/29/98	
<b>Division of Environmental Management</b>				
Save Our Rivers, Inc., et al v. Town of Highlands, EHNR, Env. Mgmt., William W. Cobey, Jr., Secretary	91 EHR 0377	Gray	07/30/98	
US Dept. of the Interior Nat'l Park Svce. v. Environmental Mgmt. Comm	98 EHR 0410	Smith	08/20/98	13 06 NCR 578
<b>Division of Marine Fisheries</b>				
Lady LaShanda Melvin Bryant v. EHNR, Division of Marine Fisheries	97 EHR 1459	Gray	07/20/98	
Gerald Moore, et al v. DENR, Division of Marine Fisheries	98 EHR 0322	Owens	10/08/98	13 09 NCR 797
<b>Division of Solid Waste Management</b>				
Steve Aldridge, et al v. DENR, Division of Solid Waste Management	98 EHR 0665	Chess	09/09/98	13 07 NCR 617
<b>Division of Water Quality</b>				
Raymond L. Martin v. DENR, Division of Water Quality	98 EHR 0590	Gray	09/21/98	
Worsley Oil Companies, Inc. v. DENR, DWQ, Groundwater Section	98 EHR 0735	Chess	08/24/98	
Silver Bullet, Inc. v. DENR, Division of Water Quality	98 EHR 0931	Chess	08/20/98	



# CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
<b>HEALTH AND HUMAN SERVICES</b>				
Stanley C. Ochulo v. Off./Administrative Hearings, Mr. R. Marcus Lodge	98 DHR 0021	Reilly	06/24/98	
Oliver C. Johnson, Hazel T. Johnson v. Health and Human Services	98 DHR 0090	Gray	07/08/98	
Louise Streater v. Health and Human Services	98 DHR 0196	Gray	06/03/98	
Richard E. Lawrence, Rebecca A. Lawrence v. Health and Human Services	98 DHR 0209	Phipps	07/15/98	
John David Brinson v. Department of Human Resources	98 DHR 0369	Owens	08/17/98	
Stephanie Wade v. Department of Health and Human Services	98 DHR 0666	Reilly	08/19/98	
Carolyn L. Freeman v. Department of Human Resources	98 DHR 0721	Gray	08/05/98	
Otis L. Mack, Jr. v. Office of Administrative Hearings	98 DHR 0729	Phipps	09/09/98	
Christopher Germano, Lee Germano v. Department of Health	98 DHR 0780	Owens	07/28/98	
Carol and Conrad Kunkel v. Department of Human Services	98 DHR 1047	Smith	12/04/98	
E. Jean Woods v. EDS - Medicaid	98 DHR 1118	Gray	10/26/98	
Bernadette Anderson v. Department of Health & Human Services	98 DHR 1257	Morrison	12/11/98	
Cheryl Lynn Staton v. Department of Health & Human Services	98 DHR 1259	Smith	11/30/98	
Mary Barrier v. Administrative Hearing	98 DHR 1287	Chess	11/19/98	
James Michael Wallace v. Department of Human Resources	98 DHR 1340	Gray	12/21/98	
<b>Division of Child Development</b>				
Dulatown Presbyterian Children's Ctr. v. DHHS, Child Development	98 DHR 0654	Gray	08/06/98	
Cassandra Myers v. Division of Child Development	98 DHR 0948	Owens	09/03/98	
Theresa McCormick v. DHHS, Division of Child Development	98 DHR 0989	Smith	12/29/98	
Dulatown Presbyterian Children Ctr. v. DHR, Child Development	98 DHR 1112	Morrison	10/16/98	
Dora's Child Development Center v. Mecklenburg Cty DSS, and DHR	98 DHR 1184	Phipps	09/25/98	
<b>Division of Facility Services</b>				
Pearlie W. Lawson v. DHHS, Facility Svcs., Health Care Personnel Reg.	97 DHR 1034	Becton	07/30/98	
Annie K. Morgan v. Health & Human Services, Facility Services	97 DHR 1046**	Phipps	07/23/98	
Mooresville Hospital Mgmt. Associates, Inc. d/b/a Lake Norman Regional Medical Center v. DHR, Facility Services, Certificate of Need Section and Autumn Corporation and McKinley V. Jurney	97 DHR 1209	Reilly	06/23/98	
Warren Moore & Catherine Moore v. DHR, Div. of Facility Services	97 DHR 1279	Mann	09/08/98	
Constellation Health Services, Inc. and Constellation Senior Services, Inc. v. DHR, Facility Services, Group Care Licensure Section and Diversified Health Group, L.L.C. and The Innovative Health Group, Inc.	97 DHR 1529	Gray	06/24/98	
Dialysis Care of NC, LLC, d/b/a Dialysis Care of Rowan County v. DHR, Division of Facility Services, Certificate of Need Section v. Biomedical Applications of NC, Inc. d/b/a BMA of Kannapolis d/b/a Metrolina Kidney Center of Kannapolis (Lessee) and Metrolina Nephrology Associates, P.A. (Lessor)	97 DHR 1588	Phipps	08/31/98	
Robin Annette Reavis v. Health and Human Svcs., Div. of Facility Svcs.	97 DHR 1672	Reilly	08/12/98	
Jennifer Blofeld v. DHHS, Facility Svcs., Health Care Personnel Registry	98 DHR 0096	Gray	08/21/98	
Sunlite Retirement Home, Winnie Jane Johnson v. DHR, Facility Services	98 DHR 0124	Phipps	06/11/98	
Helen Shokoti v. Health and Human Services, Div. of Facility Services	98 DHR 0173	Chess	08/26/98	
Ann Davis Rest Home v. Group Care Licensure Section	98 DHR 0197	Phipps	06/23/98	
Diane Lingard v. DHR, Facility Svcs., Health Care Personnel Reg.	98 DHR 0214	Becton	06/22/98	
Kimberly Annette Smith Hull v. DHHS, Division of Facility Services	98 DHR 0239	Phipps	06/23/98	
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0244*15	Phipps	11/24/98	13 12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0245*15	Phipps	11/24/98	13 12 NCR 1018
Living Centers-Southeast, Inc., Lutheran Retirement Center-Wilmington, Inc., and New Hanover Health Care Center, L.L.C. v. DHHS, Div. of Facility Services, Certificate of Need Section, and Devin Partnership and Devin Health Care Associates, L.L.C., Columbia Cape Fear Healthcare System, Limited Partnership, Living Centers Southeast, Inc., Lutheran Retirement Center-Wilmington Inc., and New Hanover Health Care Center L.L.C.	98 DHR 0247*15	Phipps	11/24/98	13 12 NCR 1018
Deborah Ann Holt v. DHHS, Division of Facility Services	98 DHR 0348	Phipps	06/22/98	
Columbia Direct Mktg. Corp. v. DHHS, Facility Svcs., Soltn. Lic. Br.	98 DHR 0394	Morrison	12/31/98	

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Terri Michelle Tyler v Health & Human Svcs, Div. of Facility Services	98 DHR 0458	Gray	08/21/98	
Doris Jones Holmes v DHHS, Facility Svcs, Health Care Personnel Reg	98 DHR 0463	Gray	08/21/98	
Annie K. Morgan v Health & Human Services, Facility Services	98 DHR 0496*	Phipps	07/23/98	
Shirley Bowling v DHHS, Facility Services, Health Care Personnel Reg	98 DHR 0547	Gray	11/09/98	
Johnnie E. Williams v DHHS, Division of Facility Services	98 DHR 0639	Reilly	07/02/98	
Christy Jeton Hall v DHHS, Division of Facility Services	98 DHR 0706	Gray	10/12/98	
Judith May Gale v DHHS, Division of Facility Services	98 DHR 0739	Owens	12/16/98	
Latonia Denise Thomas v DHHS, Division of Facility Services	98 DHR 0809	Gray	10/23/98	
Tracey Deirde Galloway v DHHS, Facility Svcs., Health Care Per. Reg	98 DHR 0824	Gray	09/24/98	
Ali Teawanda Byrd v DHHS, Division of Facility Services	98 DHR 0838	Reilly	12/29/98	
Happy Dan's Home, Gladys Cooke v Facility Svcs., Group Care Lic. Sect	98 DHR 0885	Owens	11/19/98	
Rose Marie Hadley v DHHS, Division of Facility Services	98 DHR 0970	Smith	10/08/98	
Robena Juanita Jones v DHHS, Division of Facility Services	98 DHR 1089	Gray	12/29/98	
Bridgette Taylor v Nurse Aide I Program, DfS	98 DHR 1283	Mann	12/14/98	
Barbara Davis v DHHS, Division of Facility Services	98 DHR 1317	Gray	12/21/98	
<i>Division of Medical Assistance</i>				
Charlotte-Mecklenburg Hospital Authority, d/b/a Carolinas Medical Ctr. and Harry Mahannah, M.D. v DHHS, Division of Medical Assistance	97 DHR 0621	Smith	07/08/98	
Isaiah Smith, Jr., by/through his Guardian, Lawrence E. Thompson, III v DHHS, Division of Medical Assistance	98 DHR 0273	Gray	12/07/98	
Alic F. Schneider, Julia R. Hammonds v DHHS, Medical Assistance	98 DHR 0994	Morrison	10/29/98	
<i>Division of Social Services</i>				
William & Crystal Steakley v DHHS, Division of Social Services	98 DHR 0076	Gray	07/20/98	
Raji Abdus-Salaam v Department of Human Resources, DSS-DC A	98 DHR 0771	Owens	07/30/98	
<i>Child Support Enforcement Section</i>				
Robert H. Black v Guilford County Child Support Enforcement	96 CRA 1548	Mann	10/09/98	
Dorman E. Drake v Department of Human Resources	96 CRA 1717	Smith	08/25/98	
Garry R. McNeill v Department of Human Resources	96 CRA 1743	Reilly	10/22/98	
Robert Alan Davis v Department of Human Resources	96 CRA 1781*	Phipps	08/20/98	
Michael W. White v Department of Human Resources	96 CRA 1784	Gray	09/25/98	
Troy R. Emmons, Jr. v Department of Human Resources	96 CRA 1798	Reilly	08/25/98	
Marvin A. Pike v Department of Human Resources	96 CRA 1814	Chess	09/24/98	
Mary Putnam Avery v DSS, Durham County Child Support Enforcement	96 CRA 1849	Morrison	09/01/98	
Anthony B. Griffin v Department of Human Resources	96 CRA 1855	Gray	12/18/98	
Gilbert G. Gray v Department of Human Resources	96 CRA 1858	Morrison	10/08/98	
Jimmy Dorsey v Department of Human Resources	96 CRA 1862	Smith	12/15/98	
Herbert Leon Sellers v Department of Human Resources	96 CRA 1932	Smith	11/06/98	
Gregory Boren v Department of Human Resources	96 CRA 1945	Gray	12/14/98	
David W. Davis v Department of Human Resources	96 CRA 1976	Smith	11/06/98	
Dale W. Hutchinson v Department of Human Resources	96 CRA 1981	Mann	08/26/98	
Kelvin Cherry v Department of Human Resources	97 CRA 0026	Gray	12/14/98	
Joe A. Lynch v Department of Human Resources	97 CRA 0045	Phipps	10/09/98	
Gary W. Wampler v Department of Human Resources	97 CRA 0187	Smith	12/15/98	
Kenneth Eugene Scott v Department of Human Resources	97 CRA 1232	Chess	11/06/98	
Mark Owens Frink v Department of Human Resources	97 CRA 1524	Mann	10/09/98	
Jeffery Lee Graves v Department of Human Resources	98 CRA 0137	Becton	06/23/98	
Donald L. Carr, Jr. v Department of Human Resources	98 CRA 0545	Reilly	06/08/98	
Marvin Diggs v Department of Human Resources	98 CRA 0588	Reilly	06/24/98	
Michael Patrick Dyme v Department of Health & Human Services	98 CRA 0787	Gray	09/17/98	
Paula C. Freeman v Department of Health & Human Services	98 CRA 1117	Smith	12/18/98	
Sherman L. Arnold Sr. v Department of Health & Human Services	98 CRA 1152	Mann	10/28/98	
Dennis Lee McNeill v Department of Human Resources	96 CSE 1305	Gray	06/22/98	
Byron O. Ashby II v Department of Human Resources	96 CSE 1435	Mann	07/15/98	
Hubert E. Morrison v Department of Human Resources	96 CSE 1649	Reilly	08/12/98	
Robert Alan Davis v Department of Human Resources	96 CSE 1780*	Phipps	08/20/98	
Larry S. Robinson v Child Support Enforcement Agency	96 CSE 1848	Gray	11/05/98	
Darryl C. Thompson v Department of Health & Human Services	96 CSE 1854* <sup>13</sup>	Chess	09/01/98	
Darryl C. Thompson v Department of Health & Human Services	96 CSE 1902* <sup>13</sup>	Chess	09/01/98	
Michael J. Burgess v Department of Human Resources	96 CSE 1989	Mann	12/10/98	
Michael Anthony Hill v Department of Human Resources	96 CSE 2028	Mann	08/26/98	
Joseph L. Hill v Department of Human Resources	97 CSE 0624	Chess	11/06/98	
Michael A. Wilder v Department of Human Resources	97 CSE 1301	Chess	07/17/98	
Billy Anthony Jr. v Department of Human Resources	97 CSE 1393	Reilly	06/24/98	
James B. Benson v Department of Human Resources	97 CSE 1399	Gray	12/14/98	
Lawrence Wilkes v Department of Human Resources	97 CSE 1419	Gray	11/17/98	
Alton D. Bagley v Department of Human Resources	97 CSE 1424	Chess	06/02/98	
Bernel B. Berry Jr. v Department of Human Resources	97 CSE 1435	Smith	06/12/98	
Darryl Simpkins v Department of Health & Human Services	97 CSE 1436	Chess	08/11/98	
Anthony Montgomery v Department of Human Resources	97 CSE 1442	Phipps	06/17/98	
Ternace Joan Ness v Department of Human Resources	97 CSE 1450	Morrison	12/09/98	
Joseph Gerard McPhillips v Department of Human Resources	97 CSE 1467	Mann	10/09/98	

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Terry Letterman v. Department of Human Resources	97 CSE 1492	Smith	06/22/98	
William E. Mines v. Department of Human Resources	97 CSE 1527	Mann	09/08/98	
Christopher Alan v. Department of Human Resources	97 CSE 1544	Chess	10/16/98	
Annette Chipman v. Department of Human Resources	97 CSE 1545	Phipps	07/23/98	
Paul J. Mobley, Jr. v. Department of Human Resources	97 CSE 1568	Phipps	06/17/98	
Alvin G. Piper v. Department of Health & Human Services	97 CSE 1599	Phipps	11/10/98	
Robert A. Sherer v. Department of Human Resources	97 CSE 1605	Mann	07/15/98	
Rodney A. Morrison v. Department of Human Resources	97 CSE 1611	Gray	10/23/98	
Gregory Andre Brown v. Department of Health & Human Services	97 CSE 1656	Gray	08/27/98	
Rodger Hazen II v. Department of Human Resources	97 CSE 1666	Chess	07/17/98	
Marion Arnett v. Department of Human Resources	97 CSE 1685	Mann	12/10/98	
Wade A. Burgess v. Department of Human Resources	98 CSE 0071	Morrison	06/12/98	
Robert L. Robinson v. Department of Human Resources	98 CSE 0130	Reilly	07/15/98	
Jamie A. Hurtt v. Department of Health & Human Services	98 CSE 0307	Morrison	07/06/98	
Renardo Jenkins v. Department of Human Resources	98 CSE 0310	Smith	06/23/98	
Anthony Love v. Department of Human Resources	98 CSE 0312	Phipps	06/23/98	
Eric Baldwin v. Department of Health & Human Services	98 CSE 0319	Phipps	12/15/98	
Steven Kent Gold v. Department of Human Resources	98 CSE 0333	Morrison	07/01/98	
Leroy J. Poole v. Department of Human Resources	98 CSE 0375	Reilly	07/02/98	
Hoyal A. McLean v. Department of Health & Human Services	98 CSE 0420	Smith	07/29/98	
Michael Bernard Hill v. Department of Health & Human Services	98 CSE 0421	Becton	07/15/98	
Terry M. Cable v. Department of Human Resources	98 CSE 0433	Phipps	12/09/98	
Charlie Rathliff Jr. v. Department of Health & Human Services	98 CSE 0449	Mann	07/15/98	
Donald W. Lee v. Department of Health & Human Services	98 CSE 0469	Gray	11/09/98	
Bobby D. Cook v. Department of Health & Human Services	98 CSE 0483	Reilly	10/06/98	
John B. Hall v. Department of Human Resources	98 CSE 0506	Chess	07/20/98	
Derrick A. Brinton v. Department of Human Resources	98 CSE 0555	Smith	08/07/98	
Tabatha D. Pate v. Department of Human Resources	98 CSE 0556	Becton	06/23/98	
Amanda F. Blount v. Department of Human Resources	98 CSE 0560	Chess	07/29/98	
Gregory Carty (IV #1564206) v. Department of Human Resources	98 CSE 0561*14	Phipps	09/23/98	
Gregory Carty (IV #1564166) v. Department of Human Resources	98 CSE 0562*14	Phipps	09/23/98	
John L. Bullard v. Department of Human Resources	98 CSE 0569	Morrison	08/06/98	
Frank A. Cotton v. Department of Human Resources	98 CSE 0578	Gray	10/08/98	
Charlie Gray Hunt Jr. v. Department of Human Resources	98 CSE 0607	Smith	06/22/98	
Willie R. Cruse v. Department of Health & Human Services	98 CSE 0653	Mann	08/26/98	
Thomas H. Lotze, Jr. v. Department of Health & Human Services	98 CSE 0658	Phipps	08/31/98	
Robert L. Williams v. Department of Human Resources	98 CSE 0682	Smith	06/22/98	
Patrick Bass v. Department of Health & Human Services	98 CSE 0689	Owens	09/18/98	
Tawanna Wheeler v. Department of Health & Human Services	98 CSE 0691	Owens	10/09/98	
Timothy Kinney v. Department of Health & Human Services	98 CSE 0728	Smith	09/17/98	
Teresa L. Galloway v. Department of Health & Human Services	98 CSE 0769	Becton	07/30/98	
Michael A. Looper v. Department of Health & Human Services	98 CSE 0783	Chess	09/08/98	
Kenneth E. Strickland v. Department of Health & Human Services	98 CSE 0817	Mann	09/08/98	
Hoyt H. Bunt Jr. v. Department of Health & Human Services	98 CSE 0818	Morrison	09/15/98	
Vernon Reginald Pinkney v. Department of Health & Human Services	98 CSE 0833	Owens	07/29/98	
Elijah G. Deans v. Department of Health & Human Services	98 CSE 0867	Phipps	07/20/98	
James Howard Alexander v. Department of Health & Human Services	98 CSE 0869	Reilly	08/06/98	
Lee J. Coggins v. Department of Human Resources	98 CSE 0894	Smith	08/20/98	
Mark J. Houlbrook v. Department of Health & Human Services	98 CSE 0949	Smith	09/08/98	
Henry A. Harriel, Jr. v. Department of Health & Human Services	98 CSE 0975	Chess	09/01/98	
Amanda F. Haviland Blount v. Department of Health & Human Services	98 CSE 0985	Mann	11/18/98	
Denitra Jeffries v. Department of Health & Human Services	98 CSE 1036	Morrison	09/15/98	
Bryan L. Barksdale v. Department of Health & Human Services	98 CSE 1052	Morrison	10/09/98	
Karen Mitchell v. Department of Human Resources	98 CSE 1095	Reilly	10/06/98	
Robert S. Willett v. Department of Health & Human Services	98 CSE 1153	Chess	11/19/98	
Judi Devlin v. Department of Health & Human Services	98 CSE 1177	Gray	12/29/98	
Issac L. Huey v. Department of Health & Human Services	98 CSE 1301	Owens	12/11/98	
Bill G. Seaman v. Scotland Cty Child Sup. Enf.-Scotland County DSS	98 CSE 1391	Phipps	12/09/98	
Curtis M. Threatt v. Department of Health & Human Services	98 CSE 1447	Phipps	12/18/98	
Sammy Ray Smith v. Department of Health & Human Services	98 CSE 1474	Reilly	12/18/98	
Ronnie F. Davis v. Department of Health & Human Services	98 CSE 1523	Owens	12/29/98	
Vickie E. Lane v. Michael L. Adams, Department of Human Resources	96 DCS 2105	Gray	07/08/98	
Carla P. Robinson v. Department of Human Resources	97 DCS 0124	Reilly	11/10/98	
Rachel D. Farmer v. Department of Health & Human Services	97 DCS 0251	Phipps	08/31/98	
Janice Scott Padgett (Fisher) v. Department of Human Resources	97 DCS 1219	Smith	07/29/98	
Barbara Fanta-Blandine v. Department of Human Resources	97 DCS 1486	Morrison	06/22/98	
Sharon Brim v. Department of Health & Human Services	97 DCS 1574	Gray	08/04/98	
Karen White v. Department of Human Resources	98 DCS 0053	Chess	12/14/98	
Sherry L. Hampton v. Department of Human Resources	98 DCS 0257	Morrison	12/01/98	
Terita M. Sharpe v. Department of Human Resources	98 DCS 0468	Morrison	06/09/98	
Sherisse Stancel Kelly v. Department of Human Resources	98 DCS 0508	Mann	12/16/98	
Ruth McFadden v. Department of Human Resources	98 DCS 0675	Reilly	07/15/98	

*Division of Women's and Children's Health*

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Khamis A. Sirhan v. DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0219	Reilly	08/11/98	
Joseph A. Nawas v. DHHS, Women's/Children's Health, Nutrition Svcs	98 DHR 0637	Phipps	07/02/98	
Mohamad I. Rahman v. DHHS, Women's/Children's Hlth, Nutr. Svcs. Sect	98 DHR 0923	Chess	11/06/98	
Evelyn Powell v. Nutrition Services Section	98 DHR 1135	Smith	11/13/98	
<b>JUSTICE</b>				
James Todd Tippet v. NC Company Police Program	97 DOJ 1368	Phipps	09/10/98	
<b>Alarm Systems Licensing Board</b>				
Claude David Huggins v. Alarm Systems Licensing Board	98 DOJ 0871	Morrison	07/09/98	
Jay Michael Ratchiff v. Alarm Systems Licensing Board	98 DOJ 1345	Owens	11/19/98	
Robert Derek Ross v. Alarm Systems Licensing Board	98 DOJ 1494	Morrison	12/10/98	
Barry D. Lyman v. Alarm Systems Licensing Board	98 DOJ 1496	Smith	12/16/98	
<b>Auctioneer Licensing Board</b>				
Wiley R. Tyndall v. Auctioneer Licensing Board	97 DOJ 1236	Phipps	07/24/98	
Gavin Havin Abadi v. Auctioneer Licensing Board	98 DOJ 1060	Smith	10/21/98	
<b>Education and Training Standards Division</b>				
Thomas Dwayne Brown v. Sheriff's Education & Training Standards Comm	97 DOJ 1319	Phipps	07/29/98	
Kenneth Joseph Jackson v. Sheriff's Education & Training Standards Comm	97 DOJ 1578*	Gray	08/20/98	
Odis Fitzgerald Darden v. Sheriff's Education & Training Standards Comm	97 DOJ 1698	Reilly	06/12/98	
Hoyle Kenneth Wise, Jr. v. Sheriff's Education & Training Standards Comm	98 DOJ 0022	Smith	07/14/98	
Kenneth Earl Brantley v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0046	Gray	11/04/98	13 11 NCR 935
Heard Oxendine v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0121	Smith	06/22/98	
James Farrell Roberts v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0147	Smith	07/16/98	
Phillip Keith McPherson v. Sheriff's Education & Training Standards Comm	98 DOJ 0388	Reilly	07/24/98	
Daryl LaMar Bryant v. Sheriff's Education & Training Standards Comm	98 DOJ 0430	Gray	07/21/98	
Harold F. Esters v. Sheriff's Education & Training Standards Comm	98 DOJ 0431	Gray	08/21/98	
William Scott Key v. Sheriff's Education & Training Standards Comm	98 DOJ 0432	Becton	06/08/98	
Cecil W. Duke, Jr. v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0479	Chess	10/07/98	
Amado Martinez v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0526	Morrison	09/09/98	
Johnny Wayne Wills v. Criminal Justice Education & Training Stds. Comm	98 DOJ 0574	Chess	07/30/98	
James E. Ellerbe v. Sheriff's Education & Training Standards Comm	98 DOJ 0600	Morrison	08/07/98	
Paul Harvey Taylor v. DOJ, Criminal Justice Ed. & Training Stds. Comm	98 DOJ 0841	Phipps	09/16/98	
Kenneth Joseph Jackson v. Sheriff's Education & Training Standards Comm	98 DOJ 0847*	Gray	08/20/98	
Kelly Suzanne Mayberry v. Sheriff's Education & Training Stds. Comm	98 DOJ 0875	Chess	11/13/98	
Sharon Day Herring v. Sheriff's Education & Training Stds. Comm	98 DOJ 0877	Mann	12/30/98	
Robert Ryan Hardison v. Sheriff's Education & Training Standards Comm	98 DOJ 0878	Phipps	09/08/98	
Tracey Jerome Clark v. Sheriff's Education & Training Standards Comm	98 DOJ 0879	Owens	08/31/98	
Evelyn D. Brown v. Sheriff's Education & Training Stds. Comm	98 DOJ 0922	Mann	12/22/98	
Kevin Lamar Dorsey v. Sheriff's Education & Training Standards Comm	98 DOJ 0930	Phipps	09/22/98	
Willoughby McCormick, Jr. v. Sheriff's Ed. & Training Standards Comm	98 DOJ 1007	Reilly	10/13/98	
Paul Harvey Taylor v. Criminal Justice Ed. & Training Stds. Comm	98 DOJ 1125	Phipps	12/30/98	
<b>Private Protective Services Board</b>				
Wayne Carey v. Private Protective Services Board	98 DOJ 0619	Owens	11/19/98	
Claims Verification, Inc. v. Private Protective Services Board	98 DOJ 0848	Smith	08/04/98	
Walter R. Shirer v. Private Protective Services Board	98 DOJ 0937	Morrison	09/17/98	
Stacey L. Williams v. Private Protective Services Board	98 DOJ 0938	Morrison	08/18/98	
Eugene Norman Garrett v. Private Protective Services Board	98 DOJ 0939	Morrison	08/18/98	
G. Russell Smith v. Private Protective Services Board	98 DOJ 0940	Owens	11/19/98	
David C. Brisson v. Private Protective Services Board	98 DOJ 0941	Owens	11/19/98	
Danny Charles Garrett v. Private Protective Services Board	98 DOJ 1081	Morrison	09/17/98	
David C. Truesdale v. Private Protective Services Board	98 DOJ 1082	Morrison	12/10/98	
Dennis Ray Hvatt v. Private Protective Services Board	98 DOJ 1139	Owens	11/19/98	
Alfred D. Malson v. Private Protective Services Board	98 DOJ 1141	Morrison	09/29/98	
Rodney Hamilton Marsh v. Private Protective Services Board	98 DOJ 1142	Owens	11/04/98	
Melvin Eugene Davis v. Private Protective Services Board	98 DOJ 1145	Morrison	09/22/98	
Glen Leon Fitchette v. Private Protective Services Board	98 DOJ 1307	Owens	11/03/98	
Arvin Itwaru v. Private Protective Services Board	98 DOJ 1493	Morrison	12/10/98	
<b>LABOR</b>				
Hildreth Mechanical & Maintenance v. Labor/Labor Standards	98 DOL 0903	Mann	11/04/98	
Labor World, Eric Feinstein v. Labor, Harry E. Payne, Jr.	98 DOL 1256	Gray	11/05/98	
<b>BOARD OF MEDICAL EXAMINERS</b>				
Joe D. Crawford, M.D. v. Medical Bd. of NC Bd. of Medical Examiners	98 BME 0870	Owens	07/30/98	
<b>PUBLIC INSTRUCTION</b>				
Linda & Danny Howard for Nikki Howard v. Lenoir Cty. Bd. of Ed.	97 EDC 1047	Gray	10/30/98	
George & Ruth Sinclair for Adam Sinclair v. Wake County Schools (Special Education Services)	97 EDC 1233	Phipps	08/11/98	
Nicholas Eirschele, By and Through His Parents, Charles & Kathleen	97 EDC 1234	Phipps	07/16/98	

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Eirschele v Craven County Board of Education				
Dewitt Brinson & Elizabeth Brinson v Craven County Board of Education	97 EDC 1298	Phipps	10/26/98	
Gene Edward Lloyd v Department of Public Instruction	98 EDC 0110	Reilly	09/10/98	
Mrs. Phyllis Y Moore v Cumberland County Schools	98 EDC 0305	Gray	08/05/98	
Laney Bruce Harrill v State Board of Education	98 EDC 0350	Smith	09/17/98	
L K. on behalf of her son, J H., as well as on her own behalf v St. Bd /Ed	98 EDC 0370	Smith	10/14/98	
Joseph J Sarrero v Department of Public Instruction	98 EDC 0459	Owens	08/10/98	
M E. and her husband, P E., individually, and on behalf of their son, C E. v Bd. of Ed. for Buncombe Cty a/k/a Buncombe Cty Public Schools, et al	98 EDC 0566	Gray	10/01/98	
<b>STATE BAR</b>				
Linda R. Sharp v North Carolina State Bar	98 BAR 1344	Morrison	11/09/98	
<b>STATE PERSONNEL</b>				
<i>Department of Administration</i>				
David Grigshy v NC Commission of Indian Affairs	98 OSP 0428	Morrison	12/14/98	
<i>Community Colleges</i>				
Dr William R. Strickland v NC Community College System	98 OSP 1305	Gray	12/07/98	
<i>Department of Correction</i>				
Annie D. Dizon v NC Correctional (Inst.) Center for Women	97 OSP 0166	Mann	11/06/98	
Terry T. Rees v Department of Correction	97 OSP 1671* <sup>4</sup>	Smith	06/30/98	
Mohammad H. Baloch, M.D. v Department of Correction	98 OSP 0014	Gray	09/01/98	
Leon Owens v Department of Correction	98 OSP 0050	Becton	07/10/98	
Terry T. Rees v Department of Correction	98 OSP 0119* <sup>4</sup>	Smith	06/30/98	
Michael A. Smith v Department of Correction	98 OSP 0231* <sup>9</sup>	Reilly	08/11/98	
Michael A. Smith v Department of Correction	98 OSP 0317* <sup>9</sup>	Reilly	08/11/98	
Jayne D. Bledsoe v Correction, Div. of Adult Probation & Parole	98 OSP 0543	Owens	07/29/98	
David Spencer Norris v Correction, Div. of Adult Probation & Parole	98 OSP 0572	Gray	12/18/98	
Carl W. Craven, II v Pender Correctional Institution	98 OSP 0633	Smith	06/25/98	
Ervin Shaw v Martin Horner, Asst. Super., Corr., Sandy Ridge Corr. Ctr	98 OSP 0671	Phipps	10/09/98	
Joseph Szilagyi v Department of Correction	98 OSP 0757	Owens	10/05/98	
Dennis S. Harrell v Dept. of Correction, Caledonia Correctional Institute	98 OSP 0846	Morrison	09/08/98	
Tommy L. Hancock v Department of Correction	98 OSP 0881	Owens	08/04/98	
Tommy L. Hancock v Department of Correction	98 OSP 0882	Owens	10/09/98	
Bertha Darden v Raymond Smith & Dept. of Correction, Central Prison	98 OSP 0905	Smith	09/25/98	
Robert C. Lowder v Brown Creek Correctional Institution	98 OSP 0984	Owens	12/02/98	
Ruth Moseley v Department of Correction	98 OSP 1092	Gray	10/07/98	
Lamont M. Burt v Department of Correction	98 OSP 1115	Smith	10/06/98	
Mark Murphy v Correction, Div. of Adult Probation & Parole	98 OSP 1155	Mann	12/21/98	
Leo Powell v Harnett Correctional Institute, Department of Correction	98 OSP 1175	Owens	11/25/98	
Amos Boone v Department of Correction	98 OSP 1188	Smith	12/15/98	
Nona W. Hubbard v DOC, Division of Community Corrections	98 OSP 1214	Owens	10/27/98	
Robert R. Stovall v Department of Correction	98 OSP 1282	Phipps	10/26/98	
Harold Keith Hamm v Dept. of Correction Enterprise/Personnel Off	98 OSP 1409	Gray	12/16/98	
Joseph A. Harrell v Correction, Div. of Adult Probation & Parole	98 OSP 1411	Gray	12/11/98	
<i>Crime Control and Public Safety</i>				
Roger D. Davis v Crime Control & Public Safety, St. Hwy. Patrol	97 OSP 0617	Chess	05/27/98	
Albert R. Little v Crime Control & Public Safety, Info. Sys. Specialists	97 OSP 1157	Morrison	07/22/98	
Thomas E. Carlton v Crime Control & Public Safety, St. Hwy. Patrol	98 OSP 0919	Phipps	09/24/98	
<i>Eastern North Carolina School for the Deaf</i>				
Cathy A. Lancaster v Eastern North Carolina School for the Deaf	98 OSP 0482	Gray	11/30/98	
<i>Employment Security Commission</i>				
Jane B. Bolin and Arlene G. Sellers v Employment Security Commission	97 OSP 1122* <sup>1</sup>	Chess	06/02/98	
Jane B. Bolin and Arlene G. Sellers v Employment Security Commission	97 OSP 1134* <sup>1</sup>	Chess	06/02/98	
<i>Environment and Natural Resources</i>				
Charles Anthony Bruce v ENR, Division of Parks and Recreation	98 OSP 0240	Reilly	06/08/98	
<i>Health and Human Services</i>				
Annette Honea v Department of Human Resources	96 OSP 0833	Chess	08/24/98	
Angela M. Miles v Cumberland County Department of Social Services	97 OSP 0613* <sup>5</sup>	Gray	07/10/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 0638* <sup>10</sup>	Chess	08/13/98	
Walker Cannon v DHR/Caswell Center	97 OSP 0731	Phipps	11/30/98	
Charity Swick v Cumberland County Department of Social Services	97 OSP 0775	Gray	07/10/98	

\* Consolidated Cases.

# CONTESTED CASE DECISIONS

AGENCY	CASE NUMBER	ALJ	DATE OF DECISION	PUBLISHED DECISION REGISTER CITATION
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0862* <sup>11</sup>	Chess	08/13/98	
Yolandra Best and Roy Hudson v DHHS, John Umstead Hospital	97 OSP 0863* <sup>11</sup>	Chess	08/13/98	
Kenneth Dippel v Columbus County Dept of Social Services	97 OSP 0905	Gray	11/09/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1287* <sup>12</sup>	Smith	08/20/98	
Shung Fung-Chin v Department of Human Resources, Caswell Center	97 OSP 1530* <sup>10</sup>	Chess	08/13/98	
Ruth Holroyd v Montgomery Cty DSS, Children's Services	97 OSP 1586	Smith	05/27/98	13 02 NCR 257
Tilda D Whitaker v Nash County Health Department Board of Directors	97 OSP 1665	Gray	12/02/98	
Fred Foster, Jr v Department of Health and Human Services	97 OSP 1701* <sup>12</sup>	Smith	08/20/98	
James W Crews v DHHS, Murdoch Center	98 OSP 0060	Gray	07/20/98	
Patricia R Quick v DHHS, Dorothea Dix Hospital	98 OSP 0061	Becton	07/16/98	
Angela M Miles v Cumberland County Department of Social Services	98 OSP 0084* <sup>5</sup>	Gray	07/10/98	
Delores Laverne Rich v Health & Human Services, Dorothea Dix Hosp	98 OSP 0120	Gray	07/08/98	
Elwin C Munson v Health & Human Services, Juvenile Evaluation Center	98 OSP 0140	Phipps	10/28/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0187* <sup>12</sup>	Smith	08/20/98	
Jackie M Sinclair v Duplin-Sampson Area Mental Health DD, SAS	98 OSP 0252	Smith	12/31/98	
David A Kilpatrick v Health & Human Services, Caswell Center	98 OSP 0271	Owens	08/13/98	
Fred Foster, Jr v Department of Health and Human Services	98 OSP 0403* <sup>12</sup>	Smith	08/20/98	
Laura Blanton v Cleveland Center	98 OSP 0453	Smith	10/02/98	
Anthony M Ruiz v Department of Health & Human Svcs, Youth Svcs	98 OSP 0454	Gray	06/04/98	
Rudolph Waters v DHHS, Youth Services, Dobbs School	98 OSP 0474	Morrison	07/30/98	
Euwell Falconer v Karen A Andrews, Gaston-Lincoln Area Mental Health	98 OSP 0538	Reilly	08/06/98	
Jeffrey L Williams v Dorothea Dix Hospital	98 OSP 0595	Becton	07/22/98	
Delores Laverne Rich v DHHS, Dorothea Dix Hospital	98 OSP 0763	Gray	12/02/98	
Barbara Jean Paquette v Durham County (respondeat superior for the Durham County Public Library)	98 OSP 0765	Morrison	08/05/98	
Linda Paige v Center Point Human Services Forsyth Mental Health Forsyth Industrial Systems	98 OSP 0819	Smith	11/05/98	
Stanley K Strong v Jimmy Summerville, Dobbs School, Youth Svcs	98 OSP 1017	Gray	12/07/98	
Derrick Skinner v Health & Human Services, Cherry Hospital	98 OSP 1035	Gray	09/21/98	
Paul L Long v Department of Health & Human Services	98 OSP 1202	Owens	12/16/98	
<b>Department of Insurance</b>				
Patricia Casey Rollins v Department of Insurance	95 OSP 0729	Chess	12/14/98	
<b>Department of Justice</b>				
Linda Margaret Koss v State Bureau of Investigation	97 OSP 0189	Chess	08/14/98	
<b>Department of Public Instruction</b>				
Lillie Burnette Pearsall v Wayne Cty Bd of Ed, Mrs Veda McNair and Mr Steve Taylor	98 OSP 0944	Smith	08/25/98	
<b>Secretary of State</b>				
Jonathan M Demers v Department of Secretary of State	97 OSP 1018	Becton	07/07/98	13 03 NCR 343
<b>Department of Transportation</b>				
Pasquale Vendettuoli v Department of Transportation	97 OSP 1090	Morrison	12/19/98	
Johnny O Shivar v Department of Transportation	97 OSP 1366	Reilly	09/01/98	
Teresa G Mitchell v Department of Transportation	97 OSP 1565	Smith	12/09/98	
Larry W Davis v Department of Transportation	98 OSP 0241	Gray	07/08/98	
Sherry Lynn Noles v Department of Transportation-NCDMV	98 OSP 0269	Chess	08/11/98	
Clarice Goodwin Arthur v Department of Transportation, Ferries Division	98 OSP 0864	Phipps	09/24/98	
<b>University of North Carolina</b>				
Joseph A Bryant v North Carolina A & T University	96 OSP 1698* <sup>16</sup>	Mann	12/02/98	
Joseph A Bryant v North Carolina A & T University	97 OSP 0242* <sup>16</sup>	Mann	12/02/98	
Douglas Love, Jr v UNC Hospitals	97 OSP 0662	Reilly	06/08/98	
Deborah J Fenner v NC Central University	97 OSP 0902	Chess	05/29/98	
Joyce M Smith v North Carolina Central University	97 OSP 1297	Smith	06/25/98	
Edwin Swain v University of North Carolina at Chapel Hill	97 OSP 1694	Morrison	07/31/98	
Patricia A G Roberts v Asst/Chan/Qty Mgmt/Dir Human Res UNCW	98 OSP 0178	Phipps	10/08/98	
Leo Watford, Roosevelt Parris, Claiborne Baker, et al v University of North Carolina at Chapel Hill	98 OSP 0254	Chess	07/17/98	
Johnny Johnson, Jr v A & T St University Student Union-Grievance Bd	98 OSP 0299	Owens	09/02/98	
Jessie L Johnson v Bernard K Locklear, UNC at Pembroke	98 OSP 0444	Gray	09/29/98	
Jonathan L Fann v North Carolina State University Physical Plant	98 OSP 0465	Becton	07/17/98	
Greta M Hawthorne v University of NC at Pembroke	98 OSP 0831	Chess	09/11/98	
Robert W Brinson v NC State University	98 OSP 0887	Owens	08/10/98	
Alberta A Ingram-Peterson v NC Central University	98 OSP 1024	Smith	10/14/98	
Thomas H Hasty, III v NC A & T State University	98 OSP 1114	Reilly	12/30/98	
Fred T Jackson v UNC-Charlotte Recreational Facilities	98 OSP 1216	Smith	10/22/98	
Betty Parks v Winston Salem State University	98 OSP 1278	Chess	11/25/98	
Ronnie Bell v Dave Hillard, UNC at Charlotte	98 OSP 1330	Smith	11/10/98	

STATE TREASURER

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Hugh A. Wells v. Consolidated Judicial Retirement System of NC; Bd. of Trustees Teachers and State Employees' Retirement System	98 DST 0316	Morrison	06/05/98	13 01 NCR 166
Walter Williams v. Bd. of Trustees NC Local Gov. Emp. Retirement Sys	98 DST 0774	Smith	12/08/98	
<b>TRANSPORTATION</b>				
David Warren Dew et al. v. Motor Vehicles, Alexander Killens Comm	95 DOT 1144	Gray	06/04/98	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Patricia D. Hall v. University of North Carolina at Chapel Hill	98 UNC 0397	Reilly	08/20/98	
Ladonna P. James v. UNC Hospitals	98 UNC 0591	Becton	07/20/98	
Joyceline Sellars v. UNC Hospitals	98 UNC 1113	Smith	10/22/98	



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This index provides information related to notices, rules and other documents published in the Register. It includes information about rules for which Notice of Rule-Making Proceedings or Notice of Text have been published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE, LICENSING BOARD

21 NCAC 01 .0101	12-22 NCR 1981		13-05 NCR 502	*						
21 NCAC 01 .0105	12-22 NCR 1981		13-05 NCR 502	*						

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### Environmental Policy Act

1 NCAC 25 .0211	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0212	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0213	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0301	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0302	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0303	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0402	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0504	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0505	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0506	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0602	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0603	12-23 NCR 2088		13-08 NCR 642	*						
1 NCAC 25 .0605	12-23 NCR 2088		13-08 NCR 642	*						

## Indian Affairs, Commission of

1 NCAC 15 .0201	13-02 NCR 175									
1 NCAC 15 .0202	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0203	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0204	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0205	13-02 NCR 175									

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1 NCAC 15 .0206	13-02 NCR 175									
1 NCAC 15 .0207	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0208	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0209	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0210	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0211	13-02 NCR 175		13-08 NCR 640	*						
1 NCAC 15 .0212	13-02 NCR 175									
1 NCAC 15 .0213	13-02 NCR 175									
1 NCAC 15 .0214	13-02 NCR 175		13-08 NCR 640	*						
<b>Non-Public Education</b>										
1 NCAC 40 .0101		13-05 NCR 521								
1 NCAC 40 .0102		13-05 NCR 521								
1 NCAC 40 .0103		13-05 NCR 521								
1 NCAC 40 .0201		13-13 NCR 1057								
		13-05 NCR 521								
1 NCAC 40 .0202		13-13 NCR 1057								
		13-05 NCR 521								
1 NCAC 40 .0203		13-13 NCR 1057								
		13-05 NCR 521								
1 NCAC 40 .0204		13-13 NCR 1057								
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<b>Purchase and Contract Division</b>										
1 NCAC 05A .0001	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05A .0008	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05A .0012	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0101	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0102	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0201	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0203	13-04 NCR 360		13-08 NCR 627	*						
1 NCAC 05B .0206	13-04 NCR 360		13-08 NCR 627	*						

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1 NCAC 05B .0208	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0301		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0302		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0303	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0305	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0306	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0309	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0310		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0314	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0315	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0316		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0317	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0401		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0402	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0403	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0503	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0601	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0701	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0801		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0802		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B .0901	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0905	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .0906	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .1101	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .1102	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B .1105	13 04 NCR 360		13 08 NCR 627	*						

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1 NCAC 05B 1301		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B 1303	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1401	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1402	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1501	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1505	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1507	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1509	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1510	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1511	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1512	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1513	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1517	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1518	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1519		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B 1520	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1521	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1601	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1602	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1603	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1604		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B 1605	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1901	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1903	13 04 NCR 360		13 08 NCR 627	*						
1 NCAC 05B 1906		12 17 NCR 1611	13 08 NCR 627	*						
1 NCAC 05B 1907	13 04 NCR 360		13 08 NCR 627	*						

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1 NCAC 05B 1909	13:04 NCR 360		13:08 NCR 627	*						
1 NCAC 05C	13:04 NCR 360									
1 NCAC 05D	13:04 NCR 360									
<b>State Building Commission</b>										
1 NCAC 30F 0305	13:04 NCR 360		13:08 NCR 645	*						
<b>State Employees Combined Campaign</b>										
1 NCAC 35 0101	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 0103	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 0202	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 0304	13:04 NCR 360		13:08 NCR 647	*						
1 NCAC 35 0308	13:04 NCR 360		13:08 NCR 647	*						
<b>ADMINISTRATIVE HEARINGS</b>										
26 NCAC 01 0102	N/A	N/A	N/A	N/A	Approve	06/18/98			13 09 NCR 779	13 03 NCR 334
<b>AGRICULTURE</b>										
2 NCAC 09K 0214	13 14 NCR 1109									
2 NCAC 20B 0104	13 13 NCR 1040									
2 NCAC 43L 0309	13 14 NCR 1109									
<b>Consumer Services</b>										
2 NCAC 54 0101	13 14 NCR 1119	13 14 NCR 1119								
2 NCAC 54 0102	13 14 NCR 1119	13 14 NCR 1119								
2 NCAC 54 0103	13 14 NCR 1119	13 14 NCR 1119								
2 NCAC 54 0104	13 14 NCR 1119	13 14 NCR 1119								
2 NCAC 54 0101	13 14 NCR 1119	13 14 NCR 1119								
<b>Structural Pest Control</b>										
2 NCAC 34 0404	12:09 NCR 743		12:14 NCR 1234	*	Object Approve	04/15/98 05/21/98	*		13 02 NCR 249	
<b>APPRAISAL BOARD</b>										
21 NCAC 57A 0101	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A 0102	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				

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21 NCAC 57A .0201	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0202	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0203	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0204	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0205	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0206	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0207	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0208	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0210	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0301	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0302	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0303	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0304	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0305	13 01 NCR 3		13 05 NCR 513	*	Object	11/19/98				
21 NCAC 57A .0306	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0401	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0402	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0403	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0404	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0405	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0406	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0407	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
21 NCAC 57A .0501	13 01 NCR 3		13 05 NCR 513	*	Approve	11/19/98				
<b>ATHLETIC TRAINER EXAMINERS, BOARD OF</b>										
21 NCAC 03 .0101		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 .0102		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 .0103		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 .0201		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	
21 NCAC 03 .0301		12 18 NCR 1714	12 22 NCR 2007	S	Approve	09/17/98			13 11 NCR 912	

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21 NCAC 03 .0302		12.18 NCR 1714	12.22 NCR 2007	S	Approve	09/17/98			13.11 NCR 912	
21 NCAC 03 .0303		12.18 NCR 1714	12.22 NCR 2007	S	Approve	09/17/98			13.11 NCR 912	
21 NCAC 03 .0304		12.18 NCR 1714	12.22 NCR 2007	S	Approve	09/17/98			13.11 NCR 912	
21 NCAC 03 .0401		12.18 NCR 1714	12.22 NCR 2007	S	Approve	09/17/98			13.11 NCR 912	
<b>ATHLETIC TRAINER EXAMINERS/MEDICAL BOARD COMMITTEE</b>										
21 NCAC 03 .0501		12.18 NCR 1714	12.22 NCR 2007	*	Approve	09/17/98	*		13.11 NCR 912	
<b>CERTIFIED PUBLIC ACCOUNTANT EXAMINERS</b>										
21 NCAC 08A .0301	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08A .0308	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08A .0310	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08A .0315	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08F .0107	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08F .0504	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08H .0001	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08H .0002	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0004	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0002	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0007	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08I .0008	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08J .0010	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08J .0011	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08K .0104	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08K .0105	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0102	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0103	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0104	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0201	13.03 NCR 269		13.08 NCR 696	*						
21 NCAC 08M .0202	13.03 NCR 269		13.08 NCR 696	*						

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21 NCAC 08M .0204	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0206	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0207	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0301	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0302	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0303	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0304	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0305	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0306	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0401	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0402	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08M .0403	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0202	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0208	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0302	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0303	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0306	13 03 NCR 269		13 08 NCR 696	*						
21 NCAC 08N .0307	13 03 NCR 269		13 08 NCR 696	*						
<b>CHIROPRACTIC</b>										
21 NCAC 10 .0203		12 23 NCR 2098	13 14 NCR 1117	*						
<b>COMMERCE</b>										
4 NCAC 01E .0104	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0202	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0205	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0206	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0207	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0303	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E .0306	11 09 NCR 569		13 08 NCR 652	*						
4 NCAC 01E	11 09 NCR 569		13 08 NCR 652	*						



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4 NCAC 01H	11-09 NCR 569									
4 NCAC 01H 0101	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0102	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0201	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0202	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0301	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0302	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0303	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0304	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0401	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0402	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0403	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0404	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0405	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0501	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0502	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0503	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0601	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01H 0701	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01J	11-09 NCR 569									
4 NCAC 01K 0101	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0102	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0103	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0104	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0105	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0202	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0203	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0204	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K 0205	11-09 NCR 569		13-08 NCR 652	*						

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4 NCAC 01K .0206	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0301	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0302	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0401	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0402	11-09 NCR 569		13-08 NCR 652	*						
4 NCAC 01K .0404	11-09 NCR 569		13-08 NCR 652	*						
<b>Banking Commission</b>										
4 NCAC 03B .0101					Object	10/22/98				
4 NCAC 03B .0102					Object	10/22/98				
4 NCAC 03B .0103					Object	10/22/98				
4 NCAC 03H .0102					Object	10/22/98				
<b>COMMUNITY COLLEGES</b>										
23 NCAC 02B .0104	13-10 NCR 804									
23 NCAC 02C .0307	13-05 NCR 524									
23 NCAC 02C .0503	13-10 NCR 815									
23 NCAC 02C .0504	13-10 NCR 815									
23 NCAC 02C .0505	13-10 NCR 815									
<b>COSMETIC ART EXAMINERS</b>										
21 NCAC 14A .0101	13-14 NCR 1114									
21 NCAC 14A .0104	13-14 NCR 1114									
21 NCAC 14A .0104	N/A	N/A	N/A	N/A	Approve	07/23/98			13-09 NCR 779	
21 NCAC 14A .0105		13-14 NCR 1157								
21 NCAC 14C .0202	13-14 NCR 1114									
21 NCAC 14F .0101	13-14 NCR 1114									
21 NCAC 14G .0103		13-14 NCR 1157								
21 NCAC 14I .0104	13-14 NCR 1114									
21 NCAC 14I .0107	12-22 NCR 1981			*	Approve	09/17/98	*		13-11 NCR 912	
21 NCAC 14I .0109	13-14 NCR 1114		13-02 NCR 246							
21 NCAC 14J .0103		13-14 NCR 1157								

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21 NCAC 14J 0208	13 14 NCR 1114									
21 NCAC 14J 0501	13 14 NCR 1114									
21 NCAC 14K 0102		13 14 NCR 1157								
21 NCAC 14K 0107		13 14 NCR 1157								
21 NCAC 14L 0101	13 14 NCR 1114									
21 NCAC 14L 0105	12 06 NCR 453		12 11 NCR 925	*	Approve	06/18/98			13 03 NCR 334	
21 NCAC 14L 0105	13 14 NCR 1114	13 14 NCR 1157								
21 NCAC 14L 0109		13 14 NCR 1157								
21 NCAC 14L 0216		13 14 NCR 1157								
21 NCAC 14L 0303	13 14 NCR 1114									
21 NCAC 14N 0101	13 14 NCR 1114									
21 NCAC 14N 0102	13 14 NCR 1114									
21 NCAC 14N 0103	12 06 NCR 453		12 11 NCR 925	*	Approve	09/17/98	*		13 11 NCR 912	
21 NCAC 14N 0103	13 14 NCR 1114	13 14 NCR 1157								
21 NCAC 14N 0104		13 14 NCR 1157								
21 NCAC 14N 0105	13 14 NCR 1114									
21 NCAC 14N 0108	13 14 NCR 1114									
21 NCAC 14N 0110		13 14 NCR 1157								
21 NCAC 14N 0112	13 14 NCR 1114									
21 NCAC 14N 0113	13 14 NCR 1114	13 14 NCR 1157								
21 NCAC 14N 0601		13 14 NCR 1157								
21 NCAC 14N 0602		13 14 NCR 1157								
21 NCAC 14N 0701		13 14 NCR 1157								
21 NCAC 14N 0702		13 14 NCR 1157								
21 NCAC 14O 0101		13 14 NCR 1157								
21 NCAC 14O 0102		13 14 NCR 1157								
21 NCAC 14O 0103		13 14 NCR 1157								
21 NCAC 14O 0104		13 14 NCR 1157								
21 NCAC 14O 0105		13 14 NCR 1157								

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21 NCAC 14O 0106	13 14 NCR 1157
21 NCAC 14O 0107	13 14 NCR 1157
21 NCAC 14P 0101	13 14 NCR 1157
21 NCAC 14P 0102	13 14 NCR 1157
21 NCAC 14P 0103	13 14 NCR 1157
21 NCAC 14P 0104	13 14 NCR 1157
21 NCAC 14P 0105	13 14 NCR 1157
21 NCAC 14P 0106	13 14 NCR 1157
21 NCAC 14P 0107	13 14 NCR 1157
21 NCAC 14P 0108	13 14 NCR 1157
21 NCAC 14P 0109	13 14 NCR 1157
21 NCAC 14P 0110	13 14 NCR 1157
21 NCAC 14P 0111	13 14 NCR 1157
21 NCAC 14P 0112	13 14 NCR 1157
21 NCAC 14P 0113	13 14 NCR 1157
21 NCAC 14P 0114	13 14 NCR 1157
21 NCAC 14P 0115	13 14 NCR 1157
21 NCAC 14P 0116	13 14 NCR 1157

## **CRIME CONTROL & PUBLIC SAFETY**

Governor's Crime Commission

14A NCAC 07 0313	11 24 NCR 1818	12 01 NCR 6	*	Object Approve	09/17/98 10/22/98	*	13 11 NCR 912 13 14 NCR 1167
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## **DENTAL EXAMINERS**

21 NCAC 16G 0101	13 10 NCR 804
21 NCAC 16G 0102	13 10 NCR 804
21 NCAC 16G 0103	13 10 NCR 804
21 NCAC 16H 0101	12 24 NCR 2203
21 NCAC 16H 0102	12 24 NCR 2203
21 NCAC 16H 0103	12 24 NCR 2203

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21 NCAC 1611 0104 12 24 NCR 2203  
 21 NCAC 1611 0201 12 24 NCR 2203  
 21 NCAC 1611 0202 12 24 NCR 2203  
 21 NCAC 1611 0203 12 24 NCR 2203  
 21 NCAC 1611 0204 12 24 NCR 2203  
 21 NCAC 1611 0205 12 24 NCR 2203  
 21 NCAC 1611 0206 12 24 NCR 2203  
 21 NCAC 161 0004 11 20 NCR 1538  
 21 NCAC 161 0005 11 20 NCR 1538  
 21 NCAC 16M 0101 13 11 NCR 910  
 21 NCAC 16P 0101 13 10 NCR 804  
 21 NCAC 16P 0102 13 10 NCR 804  
 21 NCAC 16P 0103 13 10 NCR 804  
 21 NCAC 16P 0104 13 10 NCR 804  
 21 NCAC 16P 0105 13 10 NCR 804  
 21 NCAC 16Q 0101 12 24 NCR 2203  
 21 NCAC 16Q 0201 12 24 NCR 2203  
 21 NCAC 16Q 0301 12 24 NCR 2203  
 21 NCAC 16R 0002 11 20 NCR 1538  
 21 NCAC 16R 0003 11 20 NCR 1538  
 21 NCAC 16R 0005 11 20 NCR 1538  
 21 NCAC 16S 0205 13 10 NCR 804  
 21 NCAC 16V 0101 13 10 NCR 804  
 21 NCAC 16V 0102 13 10 NCR 804  
 21 NCAC 16V 0102 N/A  
 21 NCAC 16V 0102 N/A

13 10 NCR 817

08/20/98

Approve

N/A

N/A

N/A

## ELECTRICAL CONTRACTORS, EXAMINERS OF

21 NCAC 18B 0108 12 22 NCR 1982  
 21 NCAC 18B 0201 12 22 NCR 1982  
 21 NCAC 18B 0202 12 22 NCR 1982

13 05 NCR 502

\*

Approve

11/19/98

\*

11/19/98

13 10 NCR 817

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21 NCAC 18B 0203	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0402	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0406	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0501	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0504	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0505	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
21 NCAC 18B 0701	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0702	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0703	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0704	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 0706	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1001	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1002	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1003	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1004	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1101	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1102	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1104	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98				
21 NCAC 18B 1105	12-22 NCR 1982		13-05 NCR 502	*	Approve	11/19/98	*			
<b>EMPLOYEE ASSISTANCE PROFESSIONALS, BOARD OF</b>										
21 NCAC 11 0101	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0102	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0103	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0104	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0105	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0106	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0107	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0108	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						
21 NCAC 11 0109	12-19 NCR 1764	12-21 NCR 1884	13-03 NCR 313	S/L						

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21 NCAC 11 0110	12 19 NCR 1764	12 21 NCR 1884	13 03 NCR 313	S/L						
21 NCAC 11 0111	12 19 NCR 1764	12 21 NCR 1884	13 03 NCR 313	S/L						
21 NCAC 11 0112	12 19 NCR 1764	12 21 NCR 1884	13 03 NCR 313	S/L						
<b>ENVIRONMENT AND NATURAL RESOURCES</b>										
Notice of Intent to Redevelop a Brownfields Property										
15A NCAC 01K	10 19 NCR 2506									13 06 NCR 537
15A NCAC 01M 0101		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0102		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0201		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0202		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0301		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0302		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0303		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0304		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0305		11 19 NCR 1439	Temp Expired							
15A NCAC 01M 0306		11 19 NCR 1439	Temp Expired							
15A NCAC 01N 0101	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	*	Approve	11/19/98				
15A NCAC 01N 0102	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	*	Approve	11/19/98				
15A NCAC 01N 0103	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0201	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0202	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0203	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0301	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0302	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0303	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0304	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0401	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0402	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0403	12 08 NCR 614	12 16 NCR 1511	13 04 NCR 362	S	Object	11/19/98				

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15A NCAC 01N 0501	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0502	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0503	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0601	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0602	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0603	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0604	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	<b>11/19/98</b>				
15A NCAC 01N 0605	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0606	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0701	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	<b>11/19/98</b>				
15A NCAC 01N 0702	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0703	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	<b>Object</b>	<b>11/19/98</b>				
15A NCAC 01N 0704	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0705	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0801	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0802	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01N 0901	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98				
15A NCAC 01N 0902	12-08 NCR 614	12-16 NCR 1511	13-04 NCR 362	S	Approve	11/19/98	*			
15A NCAC 01O 0101	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0102	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0103	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0104	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0105	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0106	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0107	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0108	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 01O 0109	12-16 NCR 1482	12-17 NCR 1617	13-07 NCR 588	*						
15A NCAC 12B 0901	12-13 NCR 1097	12-03 NCR 209	13-05 NCR 495	L						

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Coastal Resources Commission										
15A NCAC 07	11 04 NCR 183									
15A NCAC 07H 0208	11 19 NCR 1408		11 27 NCR 2058	*						
15A NCAC 07H 0208	12 21 NCR 1873									
15A NCAC 07H 0209	12 21 NCR 1873									
15A NCAC 07H 0210	12 02 NCR 52									
15A NCAC 07H 0300	13 05 NCR 436									
15A NCAC 07H 0306	11 04 NCR 183		11 11 NCR 907	*						
15A NCAC 07H 0306	12 19 NCR 1763									
15A NCAC 07H 0308	12 16 NCR 1489		13 01 NCR 26	S	Approve	09/17/98	*		13 11 NCR 912	
15A NCAC 07H 0309	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 0310	12 11 NCR 919		12 20 NCR 1828	S	Approve	08/20/98	*		13 10 NCR 817	
15A NCAC 07H 1100	12 21 NCR 1873									
15A NCAC 07H 1200	12 21 NCR 1873									
15A NCAC 07H 1300	12 21 NCR 1873									
15A NCAC 07H 1400	12 21 NCR 1873									
15A NCAC 07H 1500	12 21 NCR 1873									
15A NCAC 07H 1600	12 21 NCR 1873									
15A NCAC 07H 1600	11 15 NCR 1200									
15A NCAC 07H 1700	12 21 NCR 1873									
15A NCAC 07H 1705	12 16 NCR 1489		13 01 NCR 26	S	Object	09/17/98			13 11 NCR 912	
15A NCAC 07H 1805		13 07 NCR 593			Approve	10/22/98	*		13 14 NCR 1167	
15A NCAC 07H 2101	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2102	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2105	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2401	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2402	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 07H 2403	13 05 NCR 436		13 13 NCR 1044	S						

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15A NCAC 0711 .2404	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 0711 .2405	13 05 NCR 436		13 13 NCR 1044	S						
15A NCAC 071 .0200	12 24 NCR 2202									
15A NCAC 071 .0204		13 07 NCR 593								
15A NCAC 071 .0405	12 24 NCR 2202									
15A NCAC 07K .0203	12 21 NCR 1873									
15A NCAC 07K .0208	12 21 NCR 1873									
15A NCAC 07L .0202	12 21 NCR 1874									
15A NCAC 07L .0203	12 21 NCR 1874									
15A NCAC 07L .0206	12 21 NCR 1874									
15A NCAC 07L .0302	12 21 NCR 1874									
15A NCAC 07L .0304	12 21 NCR 1874									
15A NCAC 07L .0401	12 21 NCR 1874									
15A NCAC 07L .0405	12 21 NCR 1874									
15A NCAC 07M .0300	12 24 NCR 2202									
15A NCAC 07M .0401	13 04 NCR 361	13 12 NCR 976								
15A NCAC 07M .0402	13 04 NCR 361	13 12 NCR 976								
15A NCAC 07M .0403	13 04 NCR 361	13 12 NCR 976								
15A NCAC 07O .0105	13 02 NCR 176		13 06 NCR 551	S						
15A NCAC 07O .0202	13 02 NCR 176		13 06 NCR 551	S						
<b>Environmental Management Commission</b>										
15A NCAC 02	10 24 NCR 3045									
15A NCAC 02	11 04 NCR 183									
15A NCAC 02	11 19 NCR 1408									
15A NCAC 02B .0100	13 08 NCR 621									
15A NCAC 02B .0101	11 24 NCR 1818		11 30 NCR 2303	*						
15A NCAC 02B .0200	13 08 NCR 621									
15A NCAC 02B .0202	11 24 NCR 1818		11 30 NCR 2303	*						
15A NCAC 02B .0223	11 02 NCR 75									

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15A NCAC 02B 0223	11 03 NCR 109									
15A NCAC 02B 0227	10 18 NCR 2400		11 12 NCR 973	*						
15A NCAC 02B 0230	11 24 NCR 1818		11 30 NCR 2303	*						
15A NCAC 02B 0231	11 02 NCR 75		11 10 NCR 824	L/SF						
			11 14 NCR 1136							
15A NCAC 02B 0233	11 02 NCR 75		11 10 NCR 824	L	Object	01/15/98				
		12 02 NCR 77			Approve	02/19/98	*		12 22 NCR 2012	Disapproved (HB 1402)
		12 14 NCR 1348	11 14 NCR 1136	L						
		12 20 NCR 1836								
15A NCAC 02B 0245	12 23 NCR 2088		12 06 NCR 462	S/L/SF						
15A NCAC 02B 0246	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0247	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0248	12 23 NCR 2088		13 04 NCR 368	L/SF						
15A NCAC 02B 0249	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0250	12 23 NCR 2088		13 04 NCR 368	SE						
15A NCAC 02B 0251	12 23 NCR 2088		13 04 NCR 368	L/SF						
15A NCAC 02B 0303	13 14 NCR 1111		13 04 NCR 368	L/SF						
15A NCAC 02B 0304	13 14 NCR 1111									
15A NCAC 02B 0306	13 14 NCR 1111									
15A NCAC 02B 0308	12 12 NCR 993		12 21 NCR 1879	*	Approve	11/19/98				
15A NCAC 02B 0308	12 14 NCR 1233		12 23 NCR 2091	L	Approve	11/19/98				
15A NCAC 02B 0308	12 16 NCR 1489		12 19 NCR 1769	*	Approve	11/19/98				
15A NCAC 02B 0308	13 14 NCR 1111									
15A NCAC 02B 0309	12 14 NCR 1233		12 19 NCR 1769	*	Approve	11/19/98				
15A NCAC 02B 0311	12 10 NCR 865		12 20 NCR 1825	*	Approve	11/19/98				
15A NCAC 02B 0313	12 23 NCR 2088		13 04 NCR 368	*						
15A NCAC 02B 0316	11 26 NCR 1976		12 20 NCR 1825	*	Approve	11/19/98				
15A NCAC 02B 0316	13 12 NCR 943		12 01 NCR 6	*	Approve	01/15/98	*		12 21 NCR 1886	Disapproved (HB 1402)

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15A NCAC 02D 0101	12 02 NCR 52									
15A NCAC 02D 0101	12 16 NCR 1482									
15A NCAC 02D 0108	11 15 NCR 1200									
15A NCAC 02D 0307	11 15 NCR 1200									
15A NCAC 02D 0405	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 0409	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D 0410	12 16 NCR 1482		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D 0501	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0501	11 15 NCR 1200									
15A NCAC 02D 0501	11 04 NCR 183									
15A NCAC 02D 0503	10 24 NCR 3045		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D 0504	10 24 NCR 3045		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 0518	11 19 NCR 1408									
15A NCAC 02D 0521	11 15 NCR 1200									
15A NCAC 02D 0524	11 15 NCR 1200									
15A NCAC 02D 0524	13 08 NCR 621									
15A NCAC 02D 0525	11 15 NCR 1200									
15A NCAC 02D 0540	13 04 NCR 356									
15A NCAC 02D 0541	13 08 NCR 621									
15A NCAC 02D 0601	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0602	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0604	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0605	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0606	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0607	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0608	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0610	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0610	11 15 NCR 1200									
15A NCAC 02D 0611	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			

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15A NCAC 02D 0611	11 15 NCR 1200									
15A NCAC 02D 0612	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0612	11 15 NCR 1200									
15A NCAC 02D 0613	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0613	11 15 NCR 1200									
15A NCAC 02D 0614	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D 0614	11 15 NCR 1200									
15A NCAC 02D 0615	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0615	11 15 NCR 1200									
15A NCAC 02D 0806	11 26 NCR 1976									
15A NCAC 02D 0902	11 19 NCR 1408									
15A NCAC 02D 0903	10 18 NCR 2318		12 22 NCR 1983	*	Approve	11/19/98				
15A NCAC 02D 0903	11 15 NCR 1200									
15A NCAC 02D 0909	11 19 NCR 1408									
15A NCAC 02D 0912	11 15 NCR 1200									
15A NCAC 02D 0917	11 19 NCR 1408									
15A NCAC 02D 0918	11 19 NCR 1408									
15A NCAC 02D 0919	11 19 NCR 1408									
15A NCAC 02D 0920	11 19 NCR 1408									
15A NCAC 02D 0921	11 19 NCR 1408									
15A NCAC 02D 0922	11 19 NCR 1408									
15A NCAC 02D 0923	11 19 NCR 1408									
15A NCAC 02D 0924	11 19 NCR 1408									
15A NCAC 02D 0934	11 19 NCR 1408									
15A NCAC 02D 0948	11 19 NCR 1408									
15A NCAC 02D 0949	11 19 NCR 1408									
15A NCAC 02D 0950	11 19 NCR 1408									
15A NCAC 02D 0951	11 19 NCR 1408									
15A NCAC 02D 0952	12 16 NCR 1482									

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15A NCAC 02D .0954	11-15 NCR 1200									
15A NCAC 02D .1100	11-08 NCR 442									
15A NCAC 02D .1103	13-04 NCR 356									
15A NCAC 02D .1104	12-02 NCR 52	12-02 NCR 77								
15A NCAC 02D .1104	13-04 NCR 356									
15A NCAC 02D .1105	10-18 NCR 2318		12-22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .1105	11-15 NCR 1200									
15A NCAC 02D .1106	11-26 NCR 1976									
15A NCAC 02D .1200	13-12 NCR 943									
15A NCAC 02D .1201	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98				
15A NCAC 02D .1202	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1203	11-15 NCR 1200									
15A NCAC 02D .1203	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1204	10-18 NCR 2318		12-22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .1204	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1205	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1206	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1208	12-16 NCR 1482		13-03 NCR 270	L	Object	11/19/98				
15A NCAC 02D .1209	12-16 NCR 1482		13-03 NCR 270	L	Approve	11/19/98	*			
15A NCAC 02D .1404	10-18 NCR 2318		12-22 NCR 1983	*	Approve	11/19/98	*			
15A NCAC 02D .1404	11-15 NCR 1200									
15A NCAC 02D .1501	12-20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1502	12-20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1503	12-20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1504	12-20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1601	12-20 NCR 1817		13-03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D .1700	12-02 NCR 52									
15A NCAC 02D .1903	12-16 NCR 1482									
15A NCAC 02D .1903	13-12 NCR 943									

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15A NCAC 02D 1904	12 16 NCR 1482									
15A NCAC 02D 2001	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 2002	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D 2003	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 2004	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98				
15A NCAC 02D 2005	12 20 NCR 1817		13 03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02D 2100	13 04 NCR 356									
15A NCAC 02D 2200	11 26 NCR 1976									
15A NCAC 02H 0226	12 20 NCR 1817	13 04 NCR 426	13 05 NCR 491	*						
15A NCAC 02H 0610	10 18 NCR 2317		12 08 NCR 650	*	Approve	09/17/98			13 11 NCR 912	
15A NCAC 02H 0610	12 02 NCR 52	12 02 NCR 77 Temp Expired 04/11/98								
15A NCAC 02H 0800	13 04 NCR 356									
15A NCAC 02H 0800	13 08 NCR 621									
15A NCAC 02H 1202	11 15 NCR 1200									
15A NCAC 02H 1203	11 15 NCR 1200									
15A NCAC 02H 1204	11 15 NCR 1200									
15A NCAC 02H 1205	11 15 NCR 1200									
15A NCAC 02I 1115	11 15 NCR 1200									
15A NCAC 02L 0106		12 08 NCR 713								
15A NCAC 02L 0115	11 15 NCR 1204	12 08 NCR 713								
15A NCAC 02L 0202	10 20 NCR 2591									
15A NCAC 02L 0202	13 04 NCR 356									
15A NCAC 02N 1115	11 15 NCR 1200									
15A NCAC 02N 1115	11 15 NCR 1204									
15A NCAC 02P 1115	11 15 NCR 1200									
15A NCAC 02P 0402	11 15 NCR 1204	12 08 NCR 713								
15A NCAC 02Q 0102	11 19 NCR 1408									
15A NCAC 02Q 0102	12 02 NCR 52		13 03 NCR 270	*	Approve	11/19/98	*			

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15A NCAC 02Q .0102 12.16 NCR 1482										
15A NCAC 02Q .0102 13.08 NCR 621										
15A NCAC 02Q .0102 13.12 NCR 943										
15A NCAC 02Q .0103 12.16 NCR 1482			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0103 12.20 NCR 1817										
15A NCAC 02Q .0107 12.16 NCR 1482			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0304 11.26 NCR 1976			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0306 11.26 NCR 1976			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0309 11.26 NCR 1976			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0314 11.26 NCR 1976			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0315 12.20 NCR 1817			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0401 12.04 NCR 240			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0402 12.04 NCR 240			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0508 13.08 NCR 621										
15A NCAC 02Q .0511 12.20 NCR 1817			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02Q .0700 11.08 NCR 442										
15A NCAC 02Q .0702 13.12 NCR 943										
15A NCAC 02Q .0703 13.04 NCR 356										
15A NCAC 02Q .0711 13.04 NCR 356										
15A NCAC 02Q .0801 12.02 NCR 52			13.03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02Q .0803 12.02 NCR 52			13.03 NCR 270	*	Approve	11/19/98	*			
15A NCAC 02Q .0808 12.16 NCR 1482			13.03 NCR 270	*	Approve	11/19/98				
15A NCAC 02R .0204 12.02 NCR 52			12.14 NCR 1267	S						
15A NCAC 02R .0205 12.02 NCR 52			12.14 NCR 1267	S						
15A NCAC 02R .0600 12.02 NCR 52										
<b>Health Services, Commission for</b>										
15A NCAC 13A .0100 12.02 NCR 52										
15A NCAC 13A .0109 12.07 NCR 509			12.22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	
15A NCAC 13A .0110 12.07 NCR 509			12.22 NCR 2000	*	Approve	09/17/98			13.11 NCR 912	



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15A NCAC 13A 0111	12 07 NCR 509		12 22 NCR 2000	*	Approve	09/17/98			13 11 NCR 912	
15A NCAC 13B 1301		12 12 NCR 1064	12 24 NCR 2211	*	Approve	09/17/98			13 11 NCR 912	
15A NCAC 13B 1624	11 19 NCR 1764	13 03 NCR 325	12 24 NCR 2211	1	Object	09/17/98				
15A NCAC 13B 1627	11 08 NCR 442		11 13 NCR 1055	*	Approve	11/19/98	*			
15A NCAC 13B 1800	11 08 NCR 442									
15A NCAC 13B 1800	11 26 NCR 1976									
15A NCAC 18A	11 04 NCR 183									
15A NCAC 18A 0425		12 14 NCR 1352								
15A NCAC 18A 0432		13 06 NCR 566	13 06 NCR 566	*						
15A NCAC 18A 1601		13 06 NCR 566	13 06 NCR 566	*						
15A NCAC 18A 1611		12 21 NCR 1882								
15A NCAC 18A 1720	12 16 NCR 1482	12 21 NCR 1882								
		13 12 NCR 979								
		12 18 NCR 1713								
		12 21 NCR 1882								
		12 24 NCR 2228								
15A NCAC 18A 1808	13 08 NCR 621		13 13 NCR 1047	*						
15A NCAC 18A 1810		12 24 NCR 2228	13 13 NCR 1047	*						
15A NCAC 18A 1812	13 08 NCR 621		13 13 NCR 1047	*						
15A NCAC 18A 1952		13 12 NCR 979								
15A NCAC 18A 1953		13 12 NCR 979								
15A NCAC 18A 1954		13 12 NCR 979								
15A NCAC 18A 1955		13 12 NCR 979								
15A NCAC 18A 2308	12 03 NCR 168		12 07 NCR 519	*	Ext Review	12/18/97				
15A NCAC 18A 2309	12 03 NCR 168		12 07 NCR 519	*	Object	01/15/98				
15A NCAC 18A 2508	12 08 NCR 614		13 01 NCR 31	*	Object	12/18/97				
15A NCAC 18A 2513	12 08 NCR 614		13 01 NCR 31	*	Approve	01/15/98			13 14 NCR 1167	
15A NCAC 18A 2515	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98			13 14 NCR 1167	
15A NCAC 18A 2517	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98			13 14 NCR 1167	
15A NCAC 18A 2518	12 08 NCR 614		13 01 NCR 31	*	Approve	10/22/98			13 14 NCR 1167	

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15A NCAC 18A .2522	12.08 NCR 614		13.01 NCR 31	*	Object	10/22/98				
15A NCAC 18A .2526	12.08 NCR 614		13.01 NCR 31	*	Approve	11/19/98	*			
15A NCAC 18A .2528	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2530	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2531	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2532	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2535	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2537	12.08 NCR 614		13.01 NCR 31	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2539	12.08 NCR 614		13.01 NCR 31	*	Object	10/22/98	*			
15A NCAC 18A .2543	12.08 NCR 614		13.01 NCR 31	*	Approve	11/19/98			13.14 NCR 1167	
15A NCAC 18A .2600	12.04 NCR 240		13.01 NCR 31	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 18A .2612		12.14 NCR 1352								
15A NCAC 18A .2801	12.16 NCR 1482	13.06 NCR 566	13.06 NCR 566	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2802	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2803	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98			13.14 NCR 1167	
15A NCAC 18A .2804	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Object	10/22/98				
15A NCAC 18A .2805	12.16 NCR 1482				Object	11/19/98				
15A NCAC 18A .2806	12.16 NCR 1482				Approve					
15A NCAC 18A .2807	12.16 NCR 1482									
15A NCAC 18A .2808	12.16 NCR 1482			*	Object	10/22/98	*			
15A NCAC 18A .2809	12.16 NCR 1482			*	Approve	11/19/98				
15A NCAC 18A .2810	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2811	12.16 NCR 1482									
15A NCAC 18A .2812	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2813	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98	*		13.14 NCR 1167	
15A NCAC 18A .2814	12.16 NCR 1482									
15A NCAC 18A .2815	12.16 NCR 1482	12.19 NCR 1782	13.02 NCR 235	*	Approve	10/22/98			13.14 NCR 1167	

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15A NCAC 18A 2816	12-16 NCR 1482									
15A NCAC 18A 2817	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2818	12-16 NCR 1482									
15A NCAC 18A 2819	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2820	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2821	12-16 NCR 1482									
15A NCAC 18A 2822	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2823	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2824	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2825	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2826	12-16 NCR 1482									
15A NCAC 18A 2827	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Object	10/22/98	*			
15A NCAC 18A 2828	12-16 NCR 1482		13-02 NCR 235	*	Approve	11/19/98	*		13-14 NCR 1167	
15A NCAC 18A 2829	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2830	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2831	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2832	12-16 NCR 1482		13-02 NCR 235	*	Approve	10/22/98	*		13-14 NCR 1167	
15A NCAC 18A 2833	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Object	10/22/98	*			
15A NCAC 18A 2834	12-16 NCR 1482	12-19 NCR 1782	13-02 NCR 235	*	Approve	11/19/98	*		13-14 NCR 1167	
15A NCAC 18A 2835	12-16 NCR 1482									
15A NCAC 18A 2836	12-16 NCR 1482									
15A NCAC 18A 3101	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Object	07/23/98	*			
15A NCAC 18A 3102	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Approve	08/20/98	*		13-10 NCR 817	
15A NCAC 18A 3103	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Object	07/23/98	*			
15A NCAC 18A 3104	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Approve	08/20/98	*		13-10 NCR 817	
15A NCAC 18A 3105	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Approve	07/23/98	*		13-09 NCR 779	
15A NCAC 18A 3106	12-11 NCR 920	12-12 NCR 1064	12-20 NCR 1829	S	Object	07/23/98	*			
					Approve	08/20/98	*		13-10 NCR 817	
					Approve	07/23/98	*		13-09 NCR 779	

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15A NCAC 18A .3107	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Approve	07/23/98	*		13.09 NCR 779	
15A NCAC 18A .3108	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3109	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Approve	08/20/98	*		13.10 NCR 817	
15A NCAC 18A .3110	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Object	07/23/98				
15A NCAC 18A .3111	12.11 NCR 920	12.12 NCR 1064	12.20 NCR 1829	S	Approve	08/20/98	*		13.10 NCR 817	
15A NCAC 18C	13.04 NCR 356		12.20 NCR 1829	S	Approve	07/23/98	*		13.09 NCR 779	
15A NCAC 19A .0101	12.02 NCR 52	12.02 NCR 88								
15A NCAC 21H .0110	12.20 NCR 1822		13.07 NCR 591	S						
15A NCAC 21H .0111	12.20 NCR 1822		13.07 NCR 591	S						
15A NCAC 21H .0113	12.20 NCR 1822		13.07 NCR 591	*						
15A NCAC 26C .0001	11.19 NCR 1408									
15A NCAC 26C .0002	11.19 NCR 1408									
15A NCAC 26C .0003	11.19 NCR 1408									
15A NCAC 26C .0004	11.19 NCR 1408									
15A NCAC 26C .0005	11.19 NCR 1408									
15A NCAC 26C .0006	11.19 NCR 1408									
15A NCAC 26C .0007	11.19 NCR 1408									

## **Land Resources/Land Quality/Sedimentation Control Commission**

15A NCAC 04B .0106	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04B .0107	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04B .0127	12.20 NCAC 1817		13.09 NCR 760	*						
15A NCAC 04C .0107	13.12 NCR 943									

## **Marine Fisheries Commission**

15A NCAC 03	11.11 NCR 881									
15A NCAC 03	11.20 NCR 1537									
15A NCAC 03	11.26 NCR 1985									
15A NCAC 03	12.14 NCR 1113									
15A NCAC 03H .0103	12.23 NCR 2089									

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15A NCAC 031 0101	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 031 0103		13 08 NCR 739								
15A NCAC 031 0107	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 031 0109	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 031 0202	11 07 NCR 407		11 11 NCR 888	*						
15A NCAC 031 0102	11 07 NCR 407		11 11 NCR 888	*						
15A NCAC 03M 0501		13 08 NCR 739								
15A NCAC 03M 0503	12 19 NCR 1762	12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 03M 0507	12 23 NCR 2089	12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98	*			
15A NCAC 03M 0507	13 10 NCR 803									
15A NCAC 03M 0513	11 26 NCR 1976		12 05 NCR 418	*						
15A NCAC 03M 0515	12 23 NCR 2089		13 03 NCR 303	*						
15A NCAC 030 0303		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 030 0306		12 19 NCR 1780	13 03 NCR 303	*	Approve	11/19/98				
		12 23 NCR 2094	13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0103	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0201	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0202	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0203	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0301	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0302	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0303	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03P 0304	12 23 NCR 2089		13 03 NCR 303	*	Approve	11/19/98				
15A NCAC 03Q 0107	11 26 NCR 1985		13 13 NCR 1043	*	Approve	11/19/98				

## Parks and Recreation Commission

15A NCAC 12A 0001 12 13 NCR 1097  
15A NCAC 12A 0004 12 13 NCR 1097  
15A NCAC 12A 0005 12 13 NCR 1097  
15A NCAC 12B 0101 12 13 NCR 1097

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15A NCAC 12B .0104	12 13 NCR 1097									
15A NCAC 12B .0106	12 13 NCR 1097									
15A NCAC 12B .0203	12 13 NCR 1097									
15A NCAC 12B .0401	12 13 NCR 1097									
15A NCAC 12B .0402	12 13 NCR 1097									
15A NCAC 12B .0501	12 13 NCR 1097									
15A NCAC 12B .0602	12 13 NCR 1097									
15A NCAC 12B .0701	12 13 NCR 1097									
15A NCAC 12B .0702	12 13 NCR 1097									
15A NCAC 12B .0802	12 13 NCR 1097									
15A NCAC 12B .1001	12 13 NCR 1097									
15A NCAC 12B .1004	12 13 NCR 1097									
15A NCAC 12B .1102	12 13 NCR 1097									
15A NCAC 12B .1201	12 13 NCR 1097									
<b>Radiation Protection</b>										
15A NCAC 11 .0104	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0111	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0117	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0305	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0317	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0318	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 .0321	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0323	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0339	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0353	12 22 NCR 1979		13 04 NCR 378	S	Approve	11/19/98				
15A NCAC 11 .0359	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 .0360	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 .0361	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 .0362	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				

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15A NCAC 11 0502	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0503	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0506	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0507	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0508	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0509	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0510	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 0511	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0512	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0513	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0515	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0516	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0517	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0520	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0521	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0522	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0523	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0524	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0525	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0702	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 0703	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 1003	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 1100	12 04 NCR 240		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 1400	12 04 NCR 240									
15A NCAC 11 1633	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 1635	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98	*			
15A NCAC 11 1647	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				
15A NCAC 11 1653	12 22 NCR 1979		13 04 NCR 378	*	Approve	11/19/98				

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No/Action by Agency

Soil & Water Conservation

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15A NCAC 06E .0105	12-20 NCR 1817		13-01 NCR 25	*	Approve	11/19/98	*			
15A NCAC 06E .0107	12-20 NCR 1817		13-08 NCR 688	*						
<b>Water Pollution Control System Operators Certification Commission</b>										
15A NCAC 08A .0101	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0202	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0301	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0302	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08A .0303	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0101	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0102	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0103	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0104	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0105	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0106	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0108	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0109	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0201	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0202	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0203	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0204	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0205	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0207	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0208	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0209	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0210	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0211	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0212	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0213	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B .0214	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				



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15A NCAC 08B 0301	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0302	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0303	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0304	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0402	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0404	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0405	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0406	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0502	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08B 0506	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0104	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0105	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0106	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0107	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08C 0108	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0104	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0105	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08D 0106	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08E 11 26 NCR 1976										
15A NCAC 08F 11 26 NCR 1976										
15A NCAC 08G 0101	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0102	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0201	11 26 NCR 1976		13 02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0202	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0203	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0204	11 26 NCR 1976		13 02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0205	11 26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			

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15A NCAC 08G 0301	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0302	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0303	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0304	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0305	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0306	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0307	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0308	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0401	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0402	11-26 NCR 1976		13-02 NCR 204	S/L	Object	11/19/98				
15A NCAC 08G 0403	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0404	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0405	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0406	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0407	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0408	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0409	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0501	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0502	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0503	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0504	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0505	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				
15A NCAC 08G 0601	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0602	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0603	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0604	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0701	11-26 NCR 1976		13-02 NCR 204	S/L	Approve	11/19/98	*			
15A NCAC 08G 0801	11-26 NCR 1976		13-02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0802	11-26 NCR 1976		13-02 NCR 204	*	Object	11/19/98				

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15A NCAC 08G 0803	11-26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0804	11-26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 0901	11-26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98	*			
15A NCAC 08G 0902	11-26 NCR 1976		13 02 NCR 204	*	<b>Object</b>	<b>11/19/98</b>				
15A NCAC 08G 1001	11-26 NCR 1976		13 02 NCR 204	*	Agcy withdrew	11/19/98				
15A NCAC 08G 1002	11-26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 1101	11-26 NCR 1976		13 02 NCR 204	*	Approve	11/19/98				
15A NCAC 08G 1102	11-26 NCR 1976		13 02 NCR 204	*	Agcy withdrew	11/19/98				
<b>Well Contractors Certification Commissio</b>										
15A NCAC 27 0101	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0110	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0201	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0301	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0401	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0410	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0420	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0430	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0440	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0501	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0510	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0520	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0601	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0701	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0801	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0810	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0820	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0830	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0840	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 0901	13 10 NCR 803	13 12 NCR 988								

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15A NCAC 27 .0910	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 .0920	13 10 NCR 803	13 12 NCR 988								
15A NCAC 27 .0930	13 10 NCR 803	13 12 NCR 988								
<b>Wildlife Resources Commission</b>										
Public Notice - 15A NCAC 10B .0105										
15A NCAC 10B .0100	13 08 NCR 625									
15A NCAC 10B .0105		13 07 NCR 595	13 12 NCR 948	*						
15A NCAC 10B .0113	13 08 NCR 625		13 12 NCR 948	*						13 04 NCR 353
15A NCAC 10B .0200	13 08 NCR 625									
15A NCAC 10B .0202	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10B .0203	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10B .0205	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10B .0207	12 06 NCR 445	13 04 NCR 427	12 24 NCR 2205	*	Approve	09/17/98	*		13 11 NCR 912	
15A NCAC 10B .0209	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10B .0212	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10B .0300	13 08 NCR 625									
15A NCAC 10B .0302	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10C .0100	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10C .0107	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10C .0200	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10C .0205	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10C .0206	13 08 NCR 625									
15A NCAC 10C .0300	13 08 NCR 625									
15A NCAC 10C .0302	13 01 NCR 3	13 11 NCR 907	13 05 NCR 492	*						
15A NCAC 10C .0305	13 01 NCR 3	13 11 NCR 907	13 05 NCR 492	*						
15A NCAC 10C .0400	13 01 NCR 3		13 12 NCR 948	*						
15A NCAC 10C .0400	13 08 NCR 625									
15A NCAC 10C .0401	13 08 NCR 625		13 12 NCR 948	*						

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15A NCAC 10C .0404	12 06 NCR 445		12 12 NCR 1004	*						
15A NCAC 10C .0405	13 01 NCR 3	13 11 NCR 907	13 05 NCR 492	*						
15A NCAC 10C .0500	13 14 NCR 1113									
15A NCAC 10D	12 18 NCR 1694									
15A NCAC 10D .0102	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10D .0103	12 18 NCR 1694		12 24 NCR 2205	*						
15A NCAC 10D .0103	13 08 NCR 625		13 12 NCR 948	*						
15A NCAC 10E .0300	13 14 NCR 1113									
15A NCAC 10E .0301	12 19 NCR 1763	12 24 NCR 2224	12 24 NCR 2224	*	Object Approve	10/22/98 11/19/98				
15A NCAC 10F .0303	12 19 NCR 1763									
15A NCAC 10F .0303	N/A		N/A		Approve	05/21/98			13 02 NCR 249	
15A NCAC 10F .0305	12 10 NCR 865	12 16 NCR 1518	12 16 NCR 1518	*	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0310	12 19 NCR 1763	12 24 NCR 2224	12 24 NCR 2224	L						
15A NCAC 10F .0310	13 07 NCR 595		13 11 NCR 905	L						
15A NCAC 10F .0311	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0314	12 19 NCR 1763									
15A NCAC 10F .0317	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98			13 09 NCR 779	
15A NCAC 10F .0317	13 08 NCR 625		13 14 NCR 1116	*						
15A NCAC 10F .0318	12 06 NCR 445									
15A NCAC 10F .0321	13 13 NCR 1040									
15A NCAC 10F .0323	13 13 NCR 1040									
15A NCAC 10F .0327	12 11 NCR 920	12 24 NCR 2224	12 17 NCR 1608	L	Approve	07/23/98	*		13 09 NCR 779	
15A NCAC 10F .0330	13 03 NCR 269	13 07 NCR 595	13 07 NCR 595	S/L						
15A NCAC 10F .0330	13 11 NCR 855									
15A NCAC 10F .0339	13 13 NCR 1040									
15A NCAC 10F .0342	13 07 NCR 585		13 11 NCR 905	L						
15A NCAC 10I .0345		12 19 NCR 1781								
15A NCAC 10I .0347		12 19 NCR 1781								

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15A NCAC 10F .0359 12.19 NCR 1763

15A NCAC 10G .0404 12.06 NCR 445

12.12 NCR 1004 \*  
Extend Review 04/15/98  
Object 06/18/98  
Approve 07/23/98

13.09 NCR 779

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Voting Rights Act

Voting Rights Act

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13.04 NCR 354  
13.07 NCR 583  
13.09 NCR 756  
13.12 NCR 941  
13.13 NCR 1038

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21 NCAC 12 .0204 13.06 NCR 568 13.13 NCR 1048 \*

21 NCAC 12 .0503 11.28 NCR 2117

21 NCAC 12 .0504 11.28 NCR 2117

21 NCAC 12 .0504 13.13 NCR 1040

21 NCAC 12 .0902 11.28 NCR 2117

21 NCAC 12 .0905 11.28 NCR 2117

21 NCAC 12 .0906 11.28 NCR 2117

21 NCAC 12 .0907 11.28 NCR 2117

21 NCAC 12 .0908 11.28 NCR 2117

21 NCAC 12 .0909 11.28 NCR 2117

21 NCAC 12 .0910 11.28 NCR 2117

21 NCAC 12 .0911 11.28 NCR 2117

21 NCAC 12 .0912 11.28 NCR 2117

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13.06 NCR 535  
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10 NCAC 03U 0102 12 21 NCR 1873

10 NCAC 03U 0305 12 21 NCR 1873

10 NCAC 03U 0602 11 24 NCR 1817

10 NCAC 03U 0604 11 24 NCR 1817

10 NCAC 03U 0605 11 24 NCR 1817

10 NCAC 03U 0705 11 14 NCR 1108

10 NCAC 03U 0705 11 24 NCR 1817

10 NCAC 03U 1601 12 21 NCR 1873

10 NCAC 03U 1602 12 21 NCR 1873

10 NCAC 03U 1606 12 21 NCR 1873

10 NCAC 03U 1612 12 21 NCR 1873

10 NCAC 03U 1701 12 21 NCR 1873

10 NCAC 03U 2000 12 21 NCR 1873

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10 NCAC 03U 2801 12 21 NCR 1873

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10 NCAC 03U .2810	12.21 NCR 1873		13.06 NCR 539	S	Object	11/19/98				
10 NCAC 03U .2811	12.21 NCR 1873		13.06 NCR 539	S						
10 NCAC 03U .2812	12.21 NCR 1873		13.06 NCR 539	S						
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10 NCAC 01B .0418	13.14 NCR 1109									
10 NCAC 01B .0419	13.14 NCR 1109									
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10 NCAC 03R .0214	12.08 NCR 617		13.03 NCR 270	*	Approve	10/22/98			13.14 NCR 1167	13.03 NCR 261
10 NCAC 03R .1613		13.14 NCR 1119								13.02 NCR 171
10 NCAC 03R .1615		13.14 NCR 1119								13.06 NCR 536
10 NCAC 03R .1713		13.14 NCR 1119								
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10 NCAC 03R .2713		13.14 NCR 1119								
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10 NCAC 03R .3000	11.23 NCR 1780									
10 NCAC 03R .3001	10.23 NCR 2956		11.06 NCR 328	S/L/SE						
10 NCAC 03R .3030	10.23 NCR 2956		11.06 NCR 328	S/L/SE						
10 NCAC 03R .3032	10.23 NCR 2956		11.06 NCR 328	S/L/SE						
10 NCAC 03R .3040	10.23 NCR 2956		11.06 NCR 328	S/L/SE						
10 NCAC 03R .3050	10.23 NCR 2956		11.06 NCR 328	S/L/SE						



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10 NCAC 03R 3051		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 3053		11.22 NCR 1713								
10 NCAC 03R 3053		12.06 NCR 481								
10 NCAC 03R 3060		12.06 NCR 481								
10 NCAC 03R 3061		12.06 NCR 481								
10 NCAC 03R 3063		12.06 NCR 481								
10 NCAC 03R 3065		12.06 NCR 481								
10 NCAC 03R 3072		12.06 NCR 481								
10 NCAC 03R 4203		13.14 NCR 1119								
10 NCAC 03R 6001	11.22 NCR 1704									
10 NCAC 03R 6101		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98	*		13 14 NCR 1167	
10 NCAC 03R 6102		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98	*		13 14 NCR 1167	
10 NCAC 03R 6103		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6104		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6105		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6106		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6107		12.15 NCR 1431	13.02 NCR 178	S/L/SL	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6108		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6109		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6110		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6111		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6112		12.15 NCR 1431	13.02 NCR 178	S/L/SL	Object	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6113		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6114		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6115		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6116		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6117		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 03R 6118		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13 14 NCR 1167	

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10 NCAC 03R 6119		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6120		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6121		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6122		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98	*		13.14 NCR 1167	
10 NCAC 03R 6123		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6124		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98	*		13.14 NCR 1167	
10 NCAC 03R 6125		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6126		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6127		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6128		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6129		12.15 NCR 1431	13.02 NCR 178	S/L/SE	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6130		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6131		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98	*		13.14 NCR 1167	
10 NCAC 03R 6132		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6133		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6134		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6135		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6136		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6137		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6138		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6139		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6140		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6141		12.15 NCR 1431	13.02 NCR 178	*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6201		13.14 NCR 1119		*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6202		13.14 NCR 1119		*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6203		13.14 NCR 1119		*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6204		13.14 NCR 1119		*	Approve	10/22/98			13.14 NCR 1167	
10 NCAC 03R 6205		13.14 NCR 1119		*	Approve	10/22/98			13.14 NCR 1167	

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10 NCAC 03R 6206		13 14 NCR 1119								
10 NCAC 03R 6207		13 14 NCR 1119								
10 NCAC 03R 6208		13 14 NCR 1119								
10 NCAC 03R 6209		13 14 NCR 1119								
10 NCAC 03R 6210		13 14 NCR 1119								
10 NCAC 03R 6211		13 14 NCR 1119								
10 NCAC 03R 6212		13 14 NCR 1119								
10 NCAC 03R 6213		13 14 NCR 1119								
10 NCAC 03R 6214		13 14 NCR 1119								
10 NCAC 03R 6215		13 14 NCR 1119								
10 NCAC 03R 6216		13 14 NCR 1119								
10 NCAC 03R 6217		13 14 NCR 1119								
10 NCAC 03R 6218		13 14 NCR 1119								
10 NCAC 03R 6219		13 14 NCR 1119								
10 NCAC 03R 6220		13 14 NCR 1119								
10 NCAC 03R 6221		13 14 NCR 1119								
10 NCAC 03R 6222		13 14 NCR 1119								
10 NCAC 03R 6223		13 14 NCR 1119								
10 NCAC 03R 6224		13 14 NCR 1119								
10 NCAC 03R 6225		13 14 NCR 1119								
10 NCAC 03R 6226		13 14 NCR 1119								
10 NCAC 03R 6227		13 14 NCR 1119								
10 NCAC 03R 6228		13 14 NCR 1119								
10 NCAC 03R 6229		13 14 NCR 1119								
10 NCAC 03R 6230		13 14 NCR 1119								
10 NCAC 03R 6231		13 14 NCR 1119								
10 NCAC 03R 6232		13 14 NCR 1119								
10 NCAC 03R 6233		13 14 NCR 1119								

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10 NCAC 03R 6234		13:14 NCR 1119								
10 NCAC 03R 6235		13:14 NCR 1119								
10 NCAC 03R 6236		13:14 NCR 1119								
10 NCAC 03R 6237		13:14 NCR 1119								
10 NCAC 03R 6238		13:14 NCR 1119								
10 NCAC 03R 6239		13:14 NCR 1119								
10 NCAC 03R 6240		13:14 NCR 1119								
10 NCAC 03R 6241		13:14 NCR 1119								
10 NCAC 03S	12:24 NCR 2194									
<b>Health Services</b>										
15A NCAC 16A .0101	12:22 NCR 1979		13:02 NCR 234	*	Object	10/22/98				
15A NCAC 16A .0106	12:22 NCR 1979		13:02 NCR 234	*	Approve	11/19/98			13:14 NCR 1167	
15A NCAC 16A .0108	12:22 NCR 1979		13:02 NCR 234	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 16A .1103	13:14 NCR 1114									
15A NCAC 16A .1104	13:14 NCR 1114									
15A NCAC 16A .1106	13:14 NCR 1114									
15A NCAC 19A .0400	13:11 NCR 855									
15A NCAC 19A .0502	13:11 NCR 855	13:13 NCR 1059								
15A NCAC 19C .0206		12:15 NCR 1451	13:05 NCR 496	S	Approve	11/19/98			13:14 NCR 1167	
15A NCAC 24A .0101	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0102	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0302	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0402	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0403	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
15A NCAC 24A .0404	12:22 NCR 1979		13:02 NCR 244	*	Approve	10/22/98			13:14 NCR 1167	
<b>Medical Assistance</b>										
10 NCAC 26B .0103	12:18 NCR 1694		13:01 NCR 5	*	Approve	10/22/98	*		13:14 NCR 1167	
10 NCAC 26D .0110	12:06 NCR 444		12:21 NCR 1875	*						

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10 NCAC 26H 0101	11 14 NCR 1108									
10 NCAC 26H 0102	11 14 NCR 1108									
10 NCAC 26H 0102	12 09 NCR 743	12 14 NCR 1341	12 18 NCR 1696	S/L/SE	Approve	07/23/98			13 09 NCR 779	
10 NCAC 26H 0211	12 09 NCR 743	12 14 NCR 1341	12 18 NCR 1696	S/L/SE	Approve	07/23/98			13 09 NCR 779	
10 NCAC 26H 0212		12 09 NCR 827 Temp Expired 7/31/98 12 13 NCR 733								
10 NCAC 26H 0213		11 26 NCR 1997								
10 NCAC 26H 0213		12 09 NCR 827								
10 NCAC 26H 0304		13 08 NCR 733								
10 NCAC 26H 0401	12 08 NCR 618	13 03 NCR 316	13 08 NCR 668	S/L						
10 NCAC 26H 0401		12 14 NCR 1341	12 21 NCR 1875	S/L	Approve	07/23/98			13 09 NCR 779	
10 NCAC 26H 0401		13 02 NCR 248	13 12 NCR 947	*						
10 NCAC 26H 0101	13 02 NCR 175		13 07 NCR 588	*						
10 NCAC 26K 0106	12 05 NCR 337									
10 NCAC 26K 0106	12 06 NCR 444		12 21 NCR 1875	*						
10 NCAC 26M 0201	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0202	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0203	12 05 NCR 337									
10 NCAC 26M 0203	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0204	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 26M 0305	13 02 NCR 175		13 01 NCR 5	*						
10 NCAC 50A 0604	12 06 NCR 444		13 01 NCR 5	*						
10 NCAC 50B 0202	12 06 NCR 444		13 07 NCR 588	*						
10 NCAC 50B 0302	13 02 NCR 175		12 21 NCR 1875	*						
10 NCAC 50B 0311	13 02 NCR 175		12 21 NCR 1875	*						
10 NCAC 50B 0311	13 03 NCR 268		13 10 NCR 806	*						
10 NCAC 50B 0313	13 02 NCR 175		13 10 NCR 806	*						

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10 NCAC 03D .1500	11-23 NCR 1779									
10 NCAC 03H .2210	N/A		N/A	N/A	Approve	09/17/98			13-11 NCR 912	
<b>Mental Health, Developmental Disabilities and Substance Abuse Services</b>										
10 NCAC 14G .0102		12-12 NCR 1060	12-19 NCR 1766	*	Object	06/18/98	*		13-09 NCR 779	
10 NCAC 14V .0800	12-20 NCR 1820									
10 NCAC 14V .3800	12-20 NCR 1820									
10 NCAC 14V .4000	12-20 NCR 1820									
10 NCAC 14V .4301	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .4302	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .4303	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .4304	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .4305	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .4306	12-19 NCR 1762		13-07 NCR 586	*						
10 NCAC 14V .5000	12-20 NCR 1820									
10 NCAC 45H .0201	N/A	N/A	N/A	N/A	Approve	08/20/98			13-10 NCR 817	
10 NCAC 45H .0205	11-19 NCR 1762	12-24 NCR 2223	13-05 NCR 487	*						
<b>Secretary of Health and Human Services</b>										
10 NCAC 14C .1151	12-20 NCR 1820		13-02 NCR 198	*						
10 NCAC 14V .7006		12-01 NCR 31	12-07 NCR 511	*						
10 NCAC 14V .7201	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7202	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7203	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7204	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 14V .7205	13-05 NCR 436		13-13 NCR 1042	*						
10 NCAC 21B .0117		12-17 NCR 1616	12-21 NCR 1875	S	Approve	07/23/98			13-09 NCR 779	
10 NCAC 49B .0315		12-18 NCR 1703	13-02 NCR 203	*	Approve	10/22/98	*		13-14 NCR 1167	
<b>Social Services Commission</b>										
10 NCAC 24A .0508	12-12 NCR 993	12-13 NCR 1180	12-23 NCR 2090	*	Approve	10/22/98			13-14 NCR 1167	

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10 NCAC 29C 0103		13-06 NCR 566								
10 NCAC 30 0207	12-11 NCR 919	12-14 NCR 1347	12-15 NCR 1420	*	Approve	05/21/98			13-02 NCR 249	
10 NCAC 41A 0107		12-11 NCR 938	12-15 NCR 1420	*	Object	05/21/98	*			
10 NCAC 41E 0401	12-11 NCR 919		13-05 NCR 438	*	Approve	07/23/98			13-09 NCR 779	
10 NCAC 41E 0403	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0404	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0405	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0406	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0501	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0502	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0503	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0504	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0505	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0506	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0507	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0508	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0509	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0510	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0511	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0512	12-11 NCR 919		13-05 NCR 438	*						
10 NCAC 41E 0513	12-11 NCR 919		13-11 NCR 857	*						
10 NCAC 41E 0514	12-11 NCR 919		13-05 NCR 438	*						

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10 NCAC 41E .0515	12.11 NCR 919		13.11 NCR 857	*						
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10 NCAC 41E .0516	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0517	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0518	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0601	12.11 NCR 919		13.11 NCR 857	*						
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10 NCAC 41E .0602	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0603	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0604	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0605	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0606	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0701	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0702	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0703	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41E .0704	12.11 NCR 919		13.11 NCR 857	*						
			13.05 NCR 438	*						
10 NCAC 41F .0707		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41F .0813		12.11 NCR 938	12.15 NCR 1420	S	Approve	05/21/98			13.02 NCR 249	
10 NCAC 41G .0501	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41G .0502	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41G .0504	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41G .0505	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41G .0506	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41G 0507	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 0508	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0509	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0510	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0511	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0512	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0513	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0601	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0602	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0603	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0604	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0605	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0606	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0701	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0702	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0703	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0704	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0705	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0706	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0707	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 0708	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 0801	12 11 NCR 919		13 05 NCR 438	*						

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10 NCAC 41G .0802	12 11 NCR 919		13:11 NCR 857	*						
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10 NCAC 41G .0803	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0804	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0805	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0806	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0807	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0808	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0809	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .0902	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1001	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1002	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1004	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1005	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1006	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1007	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1008	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1009	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1010	12 11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G .1011	12 11 NCR 919		13:11 NCR 857	*						
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10 NCAC 41G .1012	12 11 NCR 919		13:11 NCR 857	*						
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10 NCAC 41G .1013	12 11 NCR 919		13:11 NCR 857	*						
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10 NCAC 41G 1101	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1102	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1103	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1104	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1105	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1106	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1201	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1202	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1203	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1204	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1205	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1206	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1207	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1208	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1301	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 1302	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 1303	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1304	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 1305	12 11 NCR 919		13 05 NCR 438	*						
			13 11 NCR 857	*						
10 NCAC 41G 1306	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 1307	12 11 NCR 919		13 05 NCR 438	*						
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10 NCAC 41G 1308	12 11 NCR 919		13 05 NCR 438	*						

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10 NCAC 41G 1309	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41G 1402	12:11 NCR 919		13:11 NCR 857	*						
			13:05 NCR 438	*						
10 NCAC 41I 0100	10:17 NCR 2228		13:11 NCR 857	*						
10 NCAC 41I 0102	10:17 NCR 2228		10:21 NCR 2687	*						
10 NCAC 41R 0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0103	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0104	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0105	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0106	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41R 0107	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0101	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0102	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0201	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0202	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0203	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0204	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0301	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0302	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0303	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0304	12:11 NCR 919		13:05 NCR 438	*						
			13:11 NCR 857	*						
10 NCAC 41S 0305	12:11 NCR 919		13:05 NCR 438	*						

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10 NCAC 41S 0306	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0307	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0401	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0402	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0403	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0404	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0405	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0406	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0407	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0501	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0502	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0503	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0504	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0505	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0506	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0601	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0602	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0603	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0604	12 11 NCR 919		13 11 NCR 857	*						
10 NCAC 41S 0605	12 11 NCR 919		13 05 NCR 438	*						
10 NCAC 41S 0606	12 11 NCR 919		13 11 NCR 857	*						

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10 NCAC 41S .0607	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0608	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0609	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0610	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0611	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0612	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0613	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0614	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0615	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0701	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0702	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0703	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0704	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0705	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0706	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0707	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0708	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0709	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0710	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0711	12.11 NCR 919		13.05 NCR 438	*						
			13.11 NCR 857	*						
10 NCAC 41S .0712	12.11 NCR 919		13.05 NCR 438	*						
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10 NCAC 41S .0713	12.11 NCR 919		13.05 NCR 438	*						

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10 NCAC 41F 0101	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0102	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0103	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0104	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0105	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0106	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0201	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0202	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0203	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0204	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0205	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 41F 0206	12 11 NCR 919		13 11 NCR 857	*						
			13 05 NCR 438	*						
10 NCAC 42C 2301	12 22 NCR 1979		13 11 NCR 857	*	Approve	11/19/98	*			
10 NCAC 42C 3401		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 42C 3403		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 42C 3404		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 42C 3601		12 13 NCR 1180	13 02 NCR 200	*	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 42F	13 07 NCR 585									
10 NCAC 42R 0201	12 11 NCR 919	12 13 NCR 1180	12 23 NCR 2090	S/L	Approve	10/22/98			13 14 NCR 1167	
10 NCAC 42S	13 07 NCR 585									
10 NCAC 42Z	13 07 NCR 585									
10 NCAC 47A 0502		12 11 NCR 938	12 15 NCR 1420	*	Approve	05/21/98			13 02 NCR 249	
10 NCAC 47B 0102		12 11 NCR 938	12 15 NCR 1420	*	Object	05/21/98			13 03 NCR 334	
10 NCAC 47B 0303		12 11 NCR 938	12 15 NCR 1420	*	Approve	06/18/98	*		13 02 NCR 249	
					Approve	05/21/98				

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10 NCAC 47B 0304		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98			13.02 NCR 249	
10 NCAC 47B 0305		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98	*		13.02 NCR 249	
10 NCAC 47B 0403		12.11 NCR 938	12.15 NCR 1420	*	Approve	05/21/98	*		13.02 NCR 249	
10 NCAC 49B 0608	12.20 NCR 1822	13.03 NCR 320	13.06 NCR 549	*	Approve	11/19/98	*			
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20C 0125	12.24 NCR 2202		13.06 NCR 547	S	Approve	11/19/98	*			
10 NCAC 20C 0206	12.24 NCR 2202		13.06 NCR 547	S	Object	11/19/98				
<b>INSURANCE</b>										
11 NCAC 06	12.09 NCR 744									
11 NCAC 12	12.09 NCR 744									
11 NCAC 12.0840	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12.0841	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12.0842	13.01 NCR 2	13.03 NCR 323	13.08 NCR 673	*						
11 NCAC 12.1003	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 12.1025	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 12.1026	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98				
11 NCAC 12.1212	13.01 NCR 2		13.05 NCR 489	*	Approve	11/19/98	*			
11 NCAC 13	12.09 NCR 744									
11 NCAC 14	12.09 NCR 744									
11 NCAC 15	12.09 NCR 744									
11 NCAC 16	12.09 NCR 744									
11 NCAC 17	12.09 NCR 744									
11 NCAC 20	12.09 NCR 744									
11 NCAC 21	12.09 NCR 744									
<b>North Carolina Manufactured Housing Board</b>										
11 NCAC 08.0912	13.01 NCR 2		13.05 NCR 488	*	Object	11/19/98				
<b>JUSTICE</b>										
<b>Alarm Systems Licensing Board</b>										
12 NCAC 11	11.30 NCR 2300									



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12 NCAC 09B 0208	13:14 NCR 1110		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0209	N/A		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0210	12:21 NCR 1873		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0211	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0211	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0212	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0212	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0213	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0213	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0214	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0214	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0215	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0218	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0219	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0220	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0221	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0222	12:21 NCR 1873		13:01 NCR 6	*	Approve	10/22/98	*		13:14 NCR 1167	
12 NCAC 09B 0226	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0226	13:14 NCR 1110									
12 NCAC 09B 0227	13:14 NCR 1110									
12 NCAC 09B 0227	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0228	13:14 NCR 1110									
12 NCAC 09B 0232	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0232	13:14 NCR 1110									
12 NCAC 09B 0233	N/A		N/A	N/A	Approve	10/22/98			13:14 NCR 1167	
12 NCAC 09B 0233	13:14 NCR 1110									
12 NCAC 09B 0301	12:21 NCR 1873		13:01 NCR 6	*	Object Object	10/22/98 11/19/98				

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12 NCAC 09B 0302	13 14 NCR 1110									
12 NCAC 09B 0303	13 14 NCR 1110									
12 NCAC 09B 0304	13 14 NCR 1110									
12 NCAC 09B 0305	13 14 NCR 1110									
12 NCAC 09B 0309	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B 0310	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B 0311	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B 0312	13 14 NCR 1110									
12 NCAC 09B 0403	13 14 NCR 1110									
12 NCAC 09B 0404	13 14 NCR 1110									
12 NCAC 09B 0404	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B 0405	13 14 NCR 1110									
12 NCAC 09B 0406	13 14 NCR 1110									
12 NCAC 09B 0407	13 14 NCR 1110									
12 NCAC 09B 0408	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B 0409	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B 0414	13 14 NCR 1110									
12 NCAC 09B 0414	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09B 0415	13 14 NCR 1110									
12 NCAC 09B 0416	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09B 0603			N/A	N/A	Object	10/22/98				
12 NCAC 09B 0603	N/A				Approve	11/19/98				
12 NCAC 09C 0211	13 14 NCR 1110									
12 NCAC 09C 0212	13 14 NCR 1110									
12 NCAC 09C 0213	13 14 NCR 1110									
12 NCAC 09C 0308	12 21 NCR 1873		13 01 NCR 6	*	Approve	10/22/98	*		13 14 NCR 1167	
12 NCAC 09C 0403	13 14 NCR 1110									
12 NCAC 09C 0601	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09C 0105	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	

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12 NCAC 09E 0106	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
12 NCAC 09E 0107	13 14 NCR 1110									
12 NCAC 09F 0107	N/A		N/A	N/A	Approve	10/22/98			13 14 NCR 1167	
<b>Private Protective Services Board</b>										
12 NCAC 07D 0204	11 14 NCR 1108		12 08 NCR 622	*	Object Approve	03/20/98 06/18/98	*		13 03 NCR 334	
12 NCAC 07D 0800	13 14 NCR 1110									
12 NCAC 07D 1106	11 14 NCR 1108		12 08 NCR 622	*	Object	03/20/98				
12 NCAC 07D 1201	11 10 NCR 818		12 14 NCR 1263	*	Object Approve	06/18/98 11/19/98	*		13 03 NCR 334	
12 NCAC 07D 1202	11 10 NCR 818		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1301	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1302	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1303	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1304	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1305	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1306	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
12 NCAC 07D 1307	11 16 NCR 1268		12 14 NCR 1263	*	Object	11/19/98				
<b>Sheriffs' Education and Training Standards Commission</b>										
12 NCAC 10B 0103	13 14 NCR 1110									
12 NCAC 10B 0206	12 07 NCR 508	12 18 NCR 1703	12 18 NCR 1703	*	Approve	06/18/98			13 03 NCR 334	
12 NCAC 10B 0502	13 14 NCR 1110									
12 NCAC 10B 0505	13 14 NCR 1110									
12 NCAC 10B 0506	13 14 NCR 1110									
12 NCAC 10B 0507	13 14 NCR 1110									
12 NCAC 10B 0508	13 14 NCR 1110									
12 NCAC 10B 0509	13 14 NCR 1110									
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12 NCAC 10B 0606	13 14 NCR 1110									
12 NCAC 10B 0607	13 14 NCR 1110									

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12 NCAC 10B .0703	13 14 NCR 1110									
12 NCAC 10B .0908	13 14 NCR 1110									
12 NCAC 10B 1002	13 14 NCR 1110									
12 NCAC 10B 1103	12 07 NCR 508	12 18 NCR 1703	12 08 NCR 624							
12 NCAC 10B 1104	12 07 NCR 508	12 18 NCR 1703	12 08 NCR 624							
12 NCAC 10B 1400	13 14 NCR 1110									
<b>LABOR</b>										
<b>Boiler and Pressure Vessel Division</b>										
13 NCAC 13 .0406	13 03 NCR 269		13 08 NCR 685	*						
13 NCAC 13 .0409	13 03 NCR 269		13 08 NCR 685	*						
<b>Occupational Safety and Health</b>										
13 NCAC 07A .0900	11 11 NCR 881									
13 NCAC 07F	11 03 NCR 106									
13 NCAC 07F	13 02 NCR 176									
13 NCAC 07F 0201	11 03 NCR 106									
13 NCAC 07F 0301	11 03 NCR 106									
<b>Retaliatory Employment Discrimination</b>										
13 NCAC 19 .0101	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0102	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0201	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0301	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0302	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0401	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0402	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0501	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0502	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0601	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0602	13 03 NCR 268		13 08 NCR 686	*						
13 NCAC 19 .0603	13 03 NCR 268		13 08 NCR 686	*						

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13 NCAC 19 .0604	13 .03 NCR 268		13 .08 NCR 686	*						
13 NCAC 19 .0605	13 .03 NCR 268		13 .08 NCR 686	*						
13 NCAC 19 .0701	13 .03 NCR 268		13 .08 NCR 686	*						
13 NCAC 19 .0702	13 .03 NCR 268		13 .08 NCR 686	*						
<b>Wage and Hour Division</b>										
13 NCAC 12 .0101	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0104	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0303	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0304	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0305	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0306	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0307	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0308	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0309	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0310	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0501	13 .03 NCR 268									
13 NCAC 12 .0502	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0602	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0603	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0604	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0605	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0701	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0702	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0801	13 .03 NCR 268									
13 NCAC 12 .0802	13 .03 NCR 268									
13 NCAC 12 .0803	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0804	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0805	13 .03 NCR 268		13 .08 NCR 676	*						
13 NCAC 12 .0806	13 .03 NCR 268		13 .08 NCR 676	*						

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13 NCAC 12 0807	13 03 NCR 268		13 08 NCR 676	*						
<b>LANDSCAPE ARCHITECTS, BOARD OF</b>										
21 NCAC 26 0104		12 08 NCR 730								
21 NCAC 26 0105		12 08 NCR 730								
21 NCAC 26 0302		12 08 NCR 730								
21 NCAC 26 0506		12 08 NCR 730								
21 NCAC 26 0507		12 08 NCR 730								
21 NCAC 26 0508		12 08 NCR 730								
21 NCAC 26 0509		12 08 NCR 730								
<b>MEDICAL BOARD</b>										
21 NCAC 32	13 06 NCR 538									
21 NCAC 32B	11 18 NCR 1369									
21 NCAC 32B	12 04 NCR 245									
21 NCAC 32F 0103		11 18 NCR 1386 Temp Expired	12 04 NCR 294	*						
21 NCAC 32F 0103		12 14 NCR 1354	12 21 NCR 1881	*						
			13 08 NCR 709	*						
21 NCAC 32H 0402		12 04 NCR 314								
21 NCAC 32M 0101	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0102	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0103	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0104	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0105	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0106	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0107	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0108	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0109	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0110	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0111	12 19 NCR 1765		13 08 NCR 709	*						
21 NCAC 32M 0112	12 19 NCR 1765		13 08 NCR 709	*						

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21 NCAC 32M .0115	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32O .0101	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0102	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0103	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0104	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0105	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0106	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0107	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0109	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0110	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0111	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0112	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0113	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0114	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0115	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0116	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0117	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0118	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0119	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0120	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32O .0121	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32R .0101	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32R .0102	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32R .0103	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32R .0104	12-19 NCR 1765		13-08 NCR 709	*						
21 NCAC 32S .0101	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S .0102	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S .0103	11-18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S .0104	11-18 NCR 1369		13-08 NCR 709	*						



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21 NCAC 32S 0105	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0106	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0107	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0108	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0109	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0110	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0111	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0112	11 18 NCR 1369		13-08 NCR 709	*						13 14 NCR 1101
21 NCAC 32S 0113	11 18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S 0114	11 18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S 0115	11 18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S 0116	11 18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S 0117	11 18 NCR 1369		13-08 NCR 709	*						
21 NCAC 32S 0118	11 18 NCR 1369		13-08 NCR 709	*						
<b>MORTUARY SCIENCE, BOARD OF</b>										
21 NCAC 34A 0201		12 07 NCR 556								
21 NCAC 34C	12 09 NCR 745									
<b>MUNICIPAL INCORPORATIONS PETITION</b>										
Town of St. James - Brunswick County										
Town of Rmertown - Cabarrus County										
Town of Hampstead - Pender County										
Town of Holiday Island - Perquimans County										
Town of Bermuda Run - Davie County										
Town of Mineral Springs - Union County										
<b>NURSING, BOARD OF</b>										
21 NCAC 36 0227	12 05 NCR 338		13-08 NCR 725	*						
<b>OPTICIANS, BOARD OF</b>										
21 NCAC 40 0108		12 07 NCR 557								

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## PHARMACY, BOARD OF

21 NCAC 46 .1317	13-01 NCR 3		13-06 NCR 559	*						
21 NCAC 46 .1414	12-24 NCR 2203		13-06 NCR 559	*						
21 NCAC 46 .1601	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 .1606	13-01 NCR 3		13-06 NCR 559	*						
21 NCAC 46 .1608	12-24 NCR 2203									
21 NCAC 46 .1609	12-24 NCR 2203									
21 NCAC 46 .1612	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .1703	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 .1706	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 .1804	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*	State Budget	03/20/98				
21 NCAC 46 .1809	12-24 NCR 2203		13-02 NCR 246	SE						
21 NCAC 46 .1814	13-01 NCR 3		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 .1815		13-11 NCR 910	13-06 NCR 559	*						
21 NCAC 46 .2103	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*						
21 NCAC 46 .2301	12-03 NCR 168		12-07 NCR 527	*						
			12-09 NCR 797	*						
21 NCAC 46 .2304	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98	*			
21 NCAC 46 .2306	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .2502	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .2506	12-24 NCR 2203		13-04 NCR 419	*						
21 NCAC 46 .2604	12-24 NCR 2203		13-04 NCR 419	*	Approve	11/19/98				
21 NCAC 46 .2609	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				
21 NCAC 46 .2611	12-24 NCR 2203		13-04 NCR 419	*	Object	11/19/98				

## PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, EXAMINERS OF

21 NCAC 50 .0106	12-07 NCR 509									
21 NCAC 50 .0202	12-07 NCR 509									

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21 NCAC 50 .0506	12.07 NCR 509	12.07 NCR 557								
21 NCAC 50 .1201	12.07 NCR 509									
21 NCAC 50 .1205	12.07 NCR 509									
21 NCAC 50 .1206	12.07 NCR 509									
21 NCAC 50 .1210	12.07 NCR 509									
21 NCAC 50 .1212	12.07 NCR 509									
21 NCAC 50 .1302	12.07 NCR 509									
Narrow Therapeutic Index Drugs										
PSYCHOLOGY BOARD										
21 NCAC 54 .1611	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .1612	12.05 NCR 338									
21 NCAC 54 .1613	12.05 NCR 338									
21 NCAC 54 .2006	12.05 NCR 338									
21 NCAC 54 .2010	12.05 NCR 338									
21 NCAC 54 .2104	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2301	12.05 NCR 338									
21 NCAC 54 .2302	12.05 NCR 338									
21 NCAC 54 .2303	12.05 NCR 338									
21 NCAC 54 .2304	12.05 NCR 338									
21 NCAC 54 .2305	12.05 NCR 338									
21 NCAC 54 .2306	12.05 NCR 338									
21 NCAC 54 .2307	12.05 NCR 338									
21 NCAC 54 .2308	12.05 NCR 338									
21 NCAC 54 .2309	12.05 NCR 338									
21 NCAC 54 .2310	12.05 NCR 338									
21 NCAC 54 .2311	12.05 NCR 338									
21 NCAC 54 .2312	12.05 NCR 338									
21 NCAC 54 .2313	12.05 NCR 338									
21 NCAC 54 .2314	12.05 NCR 338									

13.14 NCR 1100

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21 NCAC 54 .2401	12.05 NCR 338									
21 NCAC 54 .2402	12.05 NCR 338									
21 NCAC 54 .2501	12.05 NCR 338									
21 NCAC 54 .2502	12.05 NCR 338									
21 NCAC 54 .2503	12.05 NCR 338									
21 NCAC 54 .2504	12.05 NCR 338									
21 NCAC 54 .2505	12.05 NCR 338									
21 NCAC 54 .2601	12.05 NCR 338									
21 NCAC 54 .2602	12.05 NCR 338									
21 NCAC 54 .2704	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2705	12.05 NCR 338									
21 NCAC 54 .2706	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2801	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2802	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2803	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2804	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2805	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2806	12.05 NCR 338		13.13 NCR 1050	*						
21 NCAC 54 .2807	12.05 NCR 338		13.13 NCR 1050	*						
<b>PUBLIC EDUCATION</b>										
16 NCAC 06B .0108		13.13 NCR 1061								
16 NCAC 06C .0310			12.01 NCR 18	*						Temp Filed over obj
16 NCAC 06C .0502		12.03 NCR 210							13:10 NCR 817	
16 NCAC 06D .0103		12.09 NCR 834	12.19 NCR 1773	N/A	Approve	08/20/98				
16 NCAC 06E .0105		12.22 NCR 2010								
16 NCAC 06E .0301		12.05 NCR 433	12.19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
16 NCAC 06G .0305		13.05 NCR 523								
16 NCAC 06G .0310			12.19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	
			12.19 NCR 1773	N/A	Approve	08/20/98	*		13:10 NCR 817	

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16 NCAC 06G 0311		12.22 NCR 2010								
16 NCAC 06G 0501		12.12 NCR 1071	12.19 NCR 1773	N/A	Approve	08/20/98			13.10 NCR 817	
<b>REAL ESTATE COMMISSION</b>										
21 NCAC 58A 0101	N/A	N/A	N/A	N/A	Approve	08/20/98			13.10 NCR 817	
<b>REVENUE</b>										
17 NCAC 01C 0601	N/A		13.10 NCR 808	N/A						
17 NCAC 04B 0102	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0104	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0105	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0106	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0107	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0301	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0302	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0306	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0308	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0309	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0310	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0311	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0312	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0403	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 0405	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 2902	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 4301	N/A		13.08 NCR 690	N/A						
17 NCAC 04B 4302	N/A		13.08 NCR 690	N/A						
17 NCAC 04D 0204			13.05 NCR 496	S/SE						
17 NCAC 04D 0303			13.05 NCR 496	S/SE						
17 NCAC 04D 0305			13.05 NCR 496	S/SE						
17 NCAC 04D 0401			13.05 NCR 496	S/SE						
17 NCAC 04D 0402			13.05 NCR 496	S/SE						

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17 NCAC 04D .0501			13.05 NCR 496	S/SE						
17 NCAC 04D .0505			13.05 NCR 496	S/SE						
17 NCAC 04D .0506			13.05 NCR 496	S/SE						
17 NCAC 04D .0508			13.05 NCR 496	S/SE						
17 NCAC 04D .0610			13.05 NCR 496	S/SE						
17 NCAC 04D .0901			13.05 NCR 496	S/SE						
17 NCAC 04D .0902			13.05 NCR 496	S/SE						
17 NCAC 04D .0903			13.05 NCR 496	S/SE						
17 NCAC 04D .0907			13.05 NCR 496	S/SE						
17 NCAC 04D .0908			13.05 NCR 496	S/SE						
17 NCAC 04D .1001			13.05 NCR 496	S/SE						
17 NCAC 04D .1003			13.05 NCR 496	S/SE						
17 NCAC 04E .0102	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0103	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0201	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0202	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0203	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0302	N/A		13.08 NCR 690	N/A						
17 NCAC 04E .0703	N/A		13.08 NCR 690	N/A						
17 NCAC 04F .0005	N/A		13.08 NCR 690	N/A						
17 NCAC 05B .0107	N/A		13.09 NCR 760	N/A						
17 NCAC 05B .1105	N/A		13.09 NCR 760	N/A						
17 NCAC 05B .1304	N/A	N/A	N/A	N/A	Approve	09/17/98			13.11 NCR 912	
17 NCAC 05C .0102			12.14 NCR 1285	*						
17 NCAC 05C .0703			12.14 NCR 1285	*						
17 NCAC 05C .0703	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2004	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2101	N/A		13.09 NCR 760	N/A						
17 NCAC 05C .2102	N/A		13.09 NCR 760	N/A						

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17 NCAC 06B 0104	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 0105	N/A		13 08 NCR 694	N/A						
17 NCAC 06B 0110	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 0118	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 0606	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 3203	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 3204			12 17 NCR 1610	*	Approve	06/18/98			13 03 NCR 334	
17 NCAC 06B 3206	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 3901	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 3904	N/A		13 09 NCR 762	N/A						
17 NCAC 06B 4004	N/A		13 09 NCR 762	N/A						
17 NCAC 07B 0104	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 0124	N/A		13 08 NCR 695	N/A						
17 NCAC 07B 0125	N/A		13 08 NCR 695	N/A						
17 NCAC 07B 0206	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1301	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1303	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1602	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 1905	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 2101	N/A		13 09 NCR 767	N/A						
17 NCAC 07B 2802	N/A		13 10 NCR 809	N/A						
17 NCAC 07B 3301	N/A		13 10 NCR 809	N/A						
17 NCAC 07B 3302	N/A		13 10 NCR 809	N/A						
17 NCAC 07B 3702	N/A		13 10 NCR 809	N/A						
17 NCAC 07B 5401	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5402	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5403	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5404	N/A		13 06 NCR 552	N/A						
17 NCAC 07B 5405	N/A		13 06 NCR 552	N/A						

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17 NCAC 07B .5406	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5408	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5409	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5410	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5411	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5412	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5414	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5415	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5416	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5417	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5418	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5419	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5420	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5421	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5422	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5423	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5424	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5428	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5429	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5430	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5431	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5432	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5433	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5434	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5435	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5438	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5440	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5442	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5443	N/A		13 06 NCR 552	N/A						



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17 NCAC 07B .5444	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5447	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5448	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5449	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5450	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5451	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5452	N/A		13 06 NCR 552	N/A						
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17 NCAC 07B .5454	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5455	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5456	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5457	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5458	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5460	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5461	N/A		13 06 NCR 552	N/A						
17 NCAC 07B .5463	N/A		13 06 NCR 552	N/A						
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18 NCAC 10 .0302 13 .09 NCR 759 13.14 NCR 1153  
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## SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

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 25 NCAC 01B .0437 13 .05 NCR 436 13.09 NCR 773 \*  
 25 NCAC 01D .2516 11.13 NCR 1062 11.19 NCR 1429 \*  
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 19A NCAC 02D .0415 12.18 NCR 1694 12.24 NCR 2219 \*  
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19A NCAC 02F 0221	13 04 NCR 361		13 10 NCR 811	*	Approve	10/22/98	*		13 14 NCR 1167	
19A NCAC 02F 0222	13 04 NCR 361		13 10 NCR 811	*						
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19A NCAC 031 0200	11 19 NCR 1413									
19A NCAC 031 0202	12 18 NCR 1695		12 24 NCR 2220	*	Approve	08/20/98	*		13 10 NCR 817	
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19A NCAC 031 0400	11 19 NCR 1413									
19A NCAC 031 0500	11 19 NCR 1413									
19A NCAC 031 0501	12 18 NCR 1695		12 24 NCR 2220	*	Approve	08/20/98	*		13 10 NCR 817	
19A NCAC 031 0502	12 18 NCR 1695		12 24 NCR 2220	*	Approve	08/20/98	*		13 10 NCR 817	
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19A NCAC 06B 0412	12 22 NCR 1981		13 06 NCR 557	*						
19A NCAC 06B 0413	12 22 NCR 1981		13 06 NCR 557	*						
19A NCAC 06B 0414	12 22 NCR 1981		13 06 NCR 557	*						
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21 NCAC 66 .0207 12:23 NCR 2089  
21 NCAC 66 .0208 12:23 NCR 2089

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